

REPORT TO THE LEGISLATIVE COMMITTEE

BY THE SCAC
**POLICY
STEERING
COMMITTEES**

DECEMBER 6, 2024
AC HOTEL, GREENVILLE



**SOUTH CAROLINA
ASSOCIATION OF COUNTIES**



2024 SCAC Legislative Committee

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Chairwoman, SCAC Legislative Committee*

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UNION COUNTY

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Chairman

WILLIAMSBURG COUNTY

Kelvin C. Washington, County Supervisor/
Chairman

YORK COUNTY

Christi Cox, Council Chairwoman

Reports of the SCAC Policy Steering Committees

Friday, December 6, 2024
AC Hotel, Greenville

County Government and
Intergovernmental Relations Joseph R. Branham, Chairman
Chester County Council Chairman

Land Use, Natural Resources
and Transportation..... Charles T. Edens, Chairman
Sumter County Council

Public Safety, Corrections
and Judicial..... Julie J. Armstrong, Chairwoman
Charleston County Clerk of Court

Revenue, Finance and
Economic Development Jason P. Phillips, Chairman
Anderson County Treasurer

Legislative Policy Development Process

General Statement

The South Carolina Association of Counties (SCAC) has adopted a systematic consensus building legislative policy development process. The central goal in the process is to solicit and develop the expertise of county officials from all 46 counties on legislative issues affecting county government. Through participation in four legislative policy steering committees, county officials meet, discuss, and identify issues to be considered by the Legislative Committee.

Legislative Committee and Steering Committee System

SCAC has four legislative policy committees: 1) *County Government and Intergovernmental Relations Steering Committee*; 2) *Land Use, Natural Resources and Transportation Steering Committee*; 3) *Public Safety, Corrections and Judicial Steering Committee*; and 4) *Revenue, Finance and Economic Development Steering Committee*. It is the responsibility of each committee to study the issues and analyze information that is pertinent to its designated policy area. Each committee will develop recommendations in the form of policy statements. Each committee chairman will present the committee's draft policy statements to the Legislative Committee during the Legislative Conference in December.

The Legislative Committee is composed of the 29 members of the SCAC Board of Directors and the chairman of the governing body of the county or his/her designee from each of the 46 counties. The total membership of the Legislative Committee is 75 members. It is the responsibility of the Legislative Committee to review each legislative policy steering committee's recommendations, resolve any conflicts, and adopt the legislative policy positions for the Association. The Legislative Committee is chaired by the Association's First Vice President. The Legislative Committee meets at the SCAC Legislative Conference in December. Once the formal policy statement has been approved by the Legislative Committee, it is the responsibility of the membership of the Association and the Association staff to advocate for its implementation.

During the course of a legislative session, the SCAC Board of Directors is responsible for any revision, modification, deletion, or addition to the legislative policy positions adopted by the Legislative Committee.

Timeline for Development of Legislative Policy

Late August — The membership is notified of the date of the meeting of the four policy steering committees. County officials receive a list of the steering committees and a description of their areas of responsibility. County officials are encouraged to provide their thoughts and ideas on legislative issues for inclusion on a steering committee's agenda. Staff collects this input and prepares it for the steering committee meeting.

Mid-September — Each steering committee meets to discuss and analyze legislative policy issues and draft an initial report of proposed legislative policy recommendations.

Mid-September to Mid-November — The County Council Coalition meets in October to review and discuss the initial draft of proposed legislative policy recommendations. Each steering committee chairman presents the steering committee report to the Coalition. During the Fall, various groups of county official organizations meet and determine their group's legislative agenda for the coming session of the General Assembly. This information is collected and assigned to the particular steering committee responsible for that legislative area.

Mid-November — Each steering committee meets for the second time to incorporate additional issues into their proposed legislative policy recommendations. Each steering committee adopts a final proposed legislative policy recommendation.

Early December — The SCAC Legislative Committee meets at the Legislative Conference to receive the reports of the four legislative policy steering committees. Each steering committee chairman will present his/her committee report at a general session meeting of the Legislative Committee. The members of the Legislative Committee will discuss each proposed legislative policy position, and then either amend, adopt, or reject the recommendation. If adopted by the Legislative Committee, those policy positions will then be incorporated with the other steering committees' reports into an SCAC consensus legislative report. Once the SCAC consensus legislative report has been adopted by the Legislative Committee, it is the responsibility of the membership and the SCAC staff to advocate for its implementation.

Rules and Operating Procedures

A. Legislative Committee

- 1. Committee Membership:** The Legislative Committee shall be composed of the members of the SCAC Board of Directors and the chairman of the governing body or his/her designee from each of the 46 counties. The chairman of the Legislative Committee shall be the First Vice President of the Association.
- 2. Voting Procedures:** At a Legislative Committee meeting, the Chairman shall call the meeting to order and carry out the committee meeting agenda. Each committee member has one vote. All matters coming before the committee shall be decided by a majority vote of those present and voting.

3. **Proposed Policies and Amendments:** Each steering committee chairman shall present at the Legislative Conference the committee report for the steering committee. No legislative issue shall be considered at the Legislative Conference in December that does not appear in a steering committee report unless two-thirds of those Legislative Committee members present and voting vote to place the issue on the Legislative Committee agenda for consideration.
4. **Procedural Rules:** The latest edition of Robert's Rules of Order shall be used to govern the conduct of Legislative Committee meetings.

B. Legislative Policy Steering Committees

1. **Committee Membership:** The Legislative Policy Steering Committees' membership composition is as follows: (a) the SCAC Board of Directors; (b) the Legislative Committee members who are either the chairman of the governing body of the county or his/her designee; and (c) not more than twenty-five (25) county officials who shall be appointed by the President based on the expertise of the county official in the subject matter of the particular steering committee. The President shall make steering committee assignments on an annual basis. The President shall designate a chairman for each of the four steering committees. Steering committee meetings will be held at the call of the President.
2. **Voting Procedures:** At each steering committee meeting, the committee chairman shall call the meeting to order and carry out the committee meeting agenda. Each committee member has one vote. All matters coming before the committee shall be decided by majority vote of the committee members present and voting.
3. **Proposed Policies and Amendments:** Any committee member may offer a proposed policy or an amendment to an existing Association policy. Any county official may propose a policy issue by submitting it to the Association and asking that it be included on the committee's meeting agenda. The chairman of the committee will call upon members to discuss the proposal as it has been offered. At the conclusion of the discussion, the chairman will call for a vote on the proposal.
4. **Procedural Rules:** The latest edition of Robert's Rules of Order shall be used to govern the conduct of steering committee meetings.

Statement of Purpose for the 2025 Session of the South Carolina General Assembly

The South Carolina Association of Counties hereby affirms its constitutional premise as stated in Article I, Section 2, that, "The purpose of the organization shall be to promote more efficient county government; to study, discuss, and recommend improvements in government; to investigate and provide means for the exchange of ideas and experiences between county officers; to promote and encourage education of county officials; to collect, analyze, and distribute information about county government; to cooperate with other organizations; and to promote legislation to effect more efficient administration of local government in the State of South Carolina."

The Association believes that counties cannot exist in isolation because their futures are intertwined. We realize that, as the saying goes, "Together we stand, divided we fall." Our problems are largely the same: if they are to be solved quickly and effectively, all counties must band together to work for the common good. Many common problems exist among South Carolina's 46 counties, and to solve these problems, cooperation is necessary.

The South Carolina Association of Counties establishes as a principle the goal of providing control of essential services at the level of government most capable of delivering them. Counties cannot be effective partners with the state and federal governments if their primary revenue source, the property tax, is eliminated or further eroded without replacement with revenue sources that are secure and predictable. Any restructuring of responsibilities should be coupled with a restructuring of revenue sources for counties so that the revenue sources are reflective of the economy in the same proportion as those of the state.

The Association believes strongly in maximum local authority consistent with attainment of statewide objectives. County officials recognize their responsibilities to carry out policies formulated by the General Assembly. At the same time, state policy-makers should recognize the limitations of the county revenue base and the need for the state to provide the revenue necessary to implement the increasing number of mandates.

We believe that joint cooperative action between county school board members and county council members is essential to the successful delivery of good public education. Comprehensive and efficient human services, including social services, health and mental health programs, are essential to the well-being of our society. These services must be clearly defined and adequately funded. State mandated services delivered at the county level should be financed from state revenue sources in order for every citizen of South Carolina to receive a substantially similar degree of service.

The South Carolina Association of Counties has traditionally maintained that its efforts should not be utilized on behalf of individual counties seeking legislative remedy for problems not statewide in nature. The Association staff will direct its efforts toward the support of sound legislation beneficial to the administration of all counties' affairs, and to the opposition of legislation detrimental to counties.

**2024 County Government and
Intergovernmental Relations
Steering Committee**



**SOUTH CAROLINA
ASSOCIATION OF COUNTIES**

2024 County Government and Intergovernmental Relations Steering Committee

The responsibilities of the County Government and Intergovernmental Relations Steering Committee include issues involving the structure of county government and all matters dealing with intergovernmental relations between counties and county officials and the federal, state, and municipal governments. Also included in the responsibilities of this committee are issues related to health and human service delivery and financing. Specific areas of concern include Home Rule authority, consolidation of political subdivisions, elections, ethics, personnel, indigent health care, indigent legal services, veterans' affairs, libraries, social services, and health boards.

Meeting Dates:

Tuesday, September 17, 2024
Tuesday, November 12, 2024

JOSEPH R. BRANHAM, CHAIRMAN
Chester County Council Chairman

STEERING COMMITTEE MEMBERS*

County Representatives:

Beth A. Carrigg, Lexington County Council Chairwoman
Matthew Connelly, Allendale County Council Chairman
Christi Cox, York County Council Chairwoman
Jerry R. Creech, Barnwell County Council Chairman
Detrice Dawkins, Dillon County Council Chairwoman
Robert T. Dunn, Anderson County Council Chairman
S. Todd Friddle, Dorchester County Council Chairman
Herbert R. Sass III, Charleston County Council Chairman
Michael Vaughn, Chester County Council
Travis Windham, Lee County Council Chairman

SCAC Board Members:

Mary D. Anderson, Chesterfield County Council Vice Chairwoman
Joseph R. Branham, Chester County Council Chairman
W. Brian Carnes, Lancaster County Council Vice Chairman
Joseph F. Passiment Jr., Beaufort County Council Chairman
Brown Patterson, Laurens County Council Chairman
Sammie Tucker Jr., Kershaw County Council
Johnnie Wright Sr., Orangeburg County Chairman

President's Appointees:

Crystal B. Barns, McCormick County Clerk to Council/Assistant to County Administrator
Dwight L. Bradham, Aiken County Veterans Affairs Officer
Abigail Fuller, Newberry County Library Director
Lynne West, Laurens County Registration & Election Director
Joanie Winters, Newberry County Attorney

SCAC Staff Contact: Leslie M. Simpson

*As of 10/07/2024

2024 County Government and Intergovernmental Relations Steering Committee

General Statement of Policy

In November of 1972, the people of South Carolina voted to empower the General Assembly to grant statutory Home Rule powers to county governments. The revised Article VIII (Local Government) to the State Constitution was implemented with the passage of Act No. 283 of 1975 and is known as the "Home Rule Act." This structural reorganization of government service providers recognized that local elected governing bodies would meet the service needs of their communities in a more efficient and cost-effective manner. The people recognized that counties must be able to respond to changing issues without being limited by inefficient and ineffective restrictions imposed by state law. County Government officials recognize that they are directly responsible for and accountable to the people in their communities for raising and allocating revenues to provide the services that their people demand.

In addition to being providers of essential traditional local government services, counties understand their role to help the state administer state programs at the local level. However, counties are charged with implementing costly state and federal mandates without sufficient appropriations or revenue sources to pay for meeting the state's or federal government's objectives. Counties oppose the imposition of unfunded or underfunded state and federal mandates because it breaks the line of accountability that connects the implementing government responsible for the program with the cost required to pay for the program.

Counties are mindful of their obligation to protect and preserve the health, safety, and welfare of the citizens of this state. To this end, counties play a vital role in addressing the health and human service needs of the people in their communities. The growing cost of supporting these programs and the restructuring of the role of the federal government through the block grant program are a growing concern of counties.

County Officers and Employees

County Veterans' Affairs Officers

Currently, Section 25-11-40 states that a County Veterans' Affairs Officer (CVA) is an at-will employee of the South Carolina Department of Veterans' Affairs (SCDVA) and is subject to removal by the Secretary of SCDVA. However, to date, all CVA officers' salaries and expenses are paid by their respective counties.

In 2023 and 2021, bills (H. 3280 and H. 3416) were introduced that provided that CVA Officers are county employees, and the county legislative delegation could remove a CVA officer. The bills also provided that the Secretary of SCDVA may offer recommendations to the county delegation after annual reviews of the local county CVA office. However, in 2021, the Secretary of SCDVA testified at subcommittee hearings that CVA officers should be under his department and not at the county level. Alternatively, a bill was introduced in 2021 (S. 530) which stated that a CVA officer is an at-will employee of the state to be appointed by the Secretary of SCDVA. The bill also provided that the state would fund the CVA officers and their staff.

None of the bills passed.

Steering Committee's Recommended Policy Position:

- (1) Support legislation that would provide a CVA officer is an at-will employee of the county legislative delegation and is considered a county employee.**
- (2) Support legislation that would provide that a CVA officer is subject to removal for cause, at any time, by a county delegation.**
- (3) Support legislation that would provide that the Secretary of SCDVA may offer recommendations to the county delegation after annual reviews of the local county CVA office.**

Funding for County Veterans' Affairs Offices

On March 22, 1945, the General Assembly adopted a bill creating a Veterans Affairs (VA) office in each of the state's 46 counties. Although mandated by the legislature, employees in these offices are funded by the county, not the state.

Currently, Section 25-11-45 states that, notwithstanding Section 1-30-110(4), a county veterans' affairs office must be funded with monies appropriated by the General Assembly for that purpose and payable directly to the County Treasurer's Office by the State Treasurer.

Proviso 113.1 provides that, in the allocation of the appropriation in Part IA, Section 113, as adjusted for Aid to County Veteran Offices, each county shall receive an effective annual amount equal to 100% of the amount allocated to it for the prior fiscal year plus an amount equivalent to base pay increases for state employees, less any adjustments made for budget reductions. This allocation shall be distributed on a quarterly basis to the County Treasurer, who will handle and distribute these monies for the sole benefit and use of the County Veterans Affairs Offices.

Brown Patterson, chairman of Laurens County Council and SCAC Board member, has requested that SCAC support legislation increasing state aid funding for each county veterans' office.

Steering Committee's Recommended Policy Position:

Support legislation increasing state aid funding for each County Veterans' Office.

Local Government Services Managers

Local Government Services provide support to cities, counties, special purpose districts, and other local governments through interim management, management consulting, executive recruitment, coaching, and project management.

Britt Poole, the Executive Director of the Central Midlands Council of Governments (COGS), requests that SCAC support funding for the COGS to provide "roving" local government services to counties and cities.

Steering Committee's Recommended Policy Position:

Support legislation to allocate State Aid funding in the recurring amount of \$10 million for the COGS to provide "roving" local government services to counties and cities.

The following issues are likely to arise in the next session of the General Assembly and are not raised by any specific group or county.

Workers' Compensation and Health Insurance Coverage for Psychological Injuries

South Carolina is among the majority of states that provides statutory workers' compensation insurance coverage for psychological only injuries (called mental-mental claims) in the limited circumstance where the mental injury was caused by employment conditions that "were extraordinary and unusual in comparison to the normal conditions of the employment," S.C. Code Ann. § 42-1-160(B)(1). A recent Supreme Court case upheld a decision by the Workers' Compensation Commission denying workers' compensation benefits for a deputy sheriff claiming Post Traumatic Stress Disorder after he shot and killed a suspect who had threatened to kill him. Although the court stated that it was "constrained to decide this case according to the standard mandated by the General Assembly," the court went on to use the opinion to advocate for the removal of the higher standard provided in § 42-1-160.

Mental/mental claims are much more complex to establish and have a harder threshold in proving a link between the workplace and the mental condition. In fact, some states don't allow mental/mental health claims at all while others have specified the elements necessary to establish a Workers' Compensation mental/mental claim. For example, Maryland, Washington, D.C., Ohio, West Virginia, North Carolina, Georgia, Alabama, Arkansas, Oklahoma, South and North Dakota, Wyoming and Montana *don't allow any types* of mental/mental claims. However, there are states that allow worker's compensation recovery for mental-mental injuries without the higher standard of proof South Carolina law provides (e.g., Hawaii, Michigan, New Jersey, New York, and Oregon). California adopted a higher standard in 1989 after realizing a 700% increase in mental-mental claims between 1979 and 1988.

Experts generally recognize three problems intrinsic to mental-mental claims. First, there is substantial subjectivity in claimed mental injuries because different workers will react differently to similar situations. This subjectivity creates numerous problems in providing clear medical evidence of injury. Second, the claims' focus depends on the mentally injured workers' perceptions of surrounding events.

In physical injuries, the main focus is on the medical providers' opinions based on a degree of medical certainty.

Finally, it is often difficult to determine whether actual work-related stress events or personal stress caused the injury. Each of these factors contributes to the continuing susceptibility to abuse, fraud, or malingering in mental-mental injury claims.

Steering Committee's Recommended Policy Position:

- (1) Support legislation that would expand funding and healthcare to ensure that there is coverage for all first responders needing treatment for mental injuries.**

- (2) While SCAC opposes legislation that would amend § 42-1-160 to reduce the standard for mental-mental claims, in the alternative, SCAC would support a compromise reached by stakeholders that requires an employee with mental injuries to be under the care of a treating physician and only be entitled to a claim for workers' compensation after the treating physician makes a determination that the employee is disabled as a result of a work-related mental injury.**

Elections

Consolidating Polling Locations

Section 7-7-910 requires voters to vote at the designated polling place within the precinct of their residence. If a designated polling place in a precinct is unavailable for use during an election as a result of an emergency situation, the authority charged by law with conducting the election shall designate an alternative polling place to be used for the electors in that precinct for any election occurring during the emergency situation. An alternative polling place for an emergency situation must be approved by the majority of the legislative delegation if the designation occurs more than seven days prior to the election. If an alternative polling place for an emergency situation is designated seven days or less prior to the election, the authority charged by law with conducting the election must notify the members of the legislative delegation of the alternative polling place. Every attempt must be made to notify electors of the alternative polling place before the election and on the day of the election through the media and by posting notice at the designated polling place.

In addition to the provisions of Section 7-7-910, Article VII, Section 13 of our state Constitution gives the General Assembly the discretion to establish or alter voter precincts in any county.

Across the state, many precincts are facing a critical shortage of suitable voting locations. In some areas, there are no facilities that can accommodate voters, creating significant barriers. Even when facilities are available, they often fail to meet the required accessibility standards for voters with disabilities, as mandated by federal law. This leaves a significant portion of the electorate unable to vote in a safe and accessible environment.

Consolidating polling locations can streamline operations, reduce costs, provide accessible buildings to follow federal law, and enhance the voting experience, making Election Day smoother for both voters and election officials. Strategic consolidation ensures that voters have a more convenient and accessible location to cast their ballots, reducing travel time and having adequate facilities.

The South Carolina Association of Registration and Election Officials (SCARE) has requested that SCAC support legislation empowering county boards of voter registration and elections to strategically consolidate precincts into a single, more accessible voting location.

Steering Committee's Recommended Policy Position:

Support legislation empowering county boards of voter registration and elections to strategically consolidate precincts into a single, more accessible voting location.

Early Voting Tabulation

Early voting tabulation should begin at 7 a.m. on Election Day, aligning with the current procedures for absentee ballots. Aligning early voting tabulation with established absentee ballot procedures reinforces the integrity and transparency of the election, assuring voters that all ballots are handled with the same level of scrutiny.

In 2023, **S. 406** was introduced and provided that ballots cast during the early voting period may begin to be tabulated simultaneously as absentee ballots. Additionally, this bill created a new felony for those who intentionally publicly report the results of the early voting period before the polls are closed. However, the bill did not pass.

SCARE has requested SCAC to support legislation for initiating the voter tabulation process early on Election Day in order to speed up result reporting, reduce delays, and provide timely information to candidates and the public.

Steering Committee's Recommended Policy Position:

Support legislation for initiating the voter tabulation process early on Election Day in order to speed up result reporting, reduce delays, and provide timely information to candidates and the public.

Earnable Compensation for Poll Managers/Clerks

In 2023, H. 3475 provided that earnable compensation does not include amounts paid to managers and clerks of elections to the extent the amounts are not subject to the Federal Insurance Contribution Act tax pursuant to the Internal Revenue Code Sections 3121(b)(7)(F)(iv) and 3121(u)(2)(B)(ii)(V). However, the bill did not pass.

Laurens County Director of Voter Registration & Elections Lynne West has requested that SCAC support legislation limiting earnable compensation to certain amounts paid to election managers and clerks related to the South Carolina Retirement System.

Steering Committee's Recommended Policy Position:

Support legislation limiting earnable compensation to certain amounts paid to election managers and clerks related to the South Carolina Retirement System.

Increase Poll Worker Pay

Currently, the SEC provides that poll managers (and poll manager's assistants) receive \$60 for attending training and \$75 for working on election day, totaling \$135. Clerks (lead poll manager)

receive poll manager pay and \$60 for additional training and duties, totaling \$195. Some counties may supplement poll manager pay.

In the FY 23-24 state budget, **Proviso 102.2** provides that poll managers and clerks of state and county elections shall receive a per diem of \$75 for the day of work and \$60 for training and paperwork. Managers shall not be paid for more than two days for any election and clerks for not more than three days for any election. SEC may adjust the per diem of \$75 for the managers and clerks of the statewide election to a higher level only to the extent that the appropriation for the statewide election is sufficient to bear the added cost of increasing the per diem and the cost of the statewide election. Up to three additional managers per county may be appointed to assist county boards of voter registration and elections with the absentee/fail-safe voting process before, on Election Day, and immediately following statewide elections. Managers assisting the county boards of voter registration and elections in the absentee/fail-safe process may receive a per diem of \$75 per day for not more than a total of 15 days, regardless of whether one, two, or three additional managers are used.

To ensure efficient management of high voter turnout and complex situations, it's crucial to offer competitive pay to county poll workers. This will attract and retain dedicated individuals, providing them with fair compensation for their crucial role in maintaining the integrity of our voting process. Poll workers often work long hours under challenging conditions, and increasing their pay reflects the critical service they provide.

SCARE has requested that SCAC support legislation amending **Budget Proviso 102.2** to increase the compensation to \$200 for poll workers and \$260 for clerks, as opposed to the current compensation of \$135 and \$200, respectively.

Steering Committee's Recommended Policy Position:

Support legislation amending Budget Proviso 102.2 to increase the compensation to \$200 for poll workers and \$260 for clerks, as opposed to the current compensation of \$135 and \$200, respectively.

Municipal Elections

Consolidating elections on specific dates reduces administrative costs. By coordinating elections to occur simultaneously, we can make the most of shared resources and minimize the expenses associated

with setting up and managing multiple election days. This not only saves taxpayer dollars but also ensures that our limited resources are used more effectively.

A uniform election schedule allows for more efficient planning and administration. Election officials can better coordinate logistics, train staff, and prepare necessary materials when they know in advance when elections will occur. This consistency reduces the risk of errors and improves the overall efficiency of the election process.

By using standardized dates, counties can concentrate our voter education efforts on specific key periods each year, which will make it easier to provide comprehensive information and outreach. This will help voters by providing clear communication about when and where to vote, ultimately leading to a more informed electorate.

In 2023, H. 3734 specified that all municipal elections must be conducted using a voting system approved and adopted by the SEC. The bill also required municipal general elections to be established by ordinance on odd-numbered years as follows:

- On the third Tuesday in March;
- On the first Tuesday in July; or
- On the first Tuesday after the first Monday of November.

The South Carolina Revenue and Fiscal Affairs Office (RFA) contacted all counties to determine the local expenditure impact for counties since they use an SEC-approved voting system, and most counties conduct the municipal elections in their county. Dorchester and Aiken County provided the following responses. Aiken anticipated the bill would have no expenditure impact for the county as their board of voter registration and elections commission currently allowed municipalities to use their voting equipment for elections, and the commission currently managed the elections for smaller municipalities. Dorchester also anticipated the bill would have no expenditure impact as they, like Aiken, use SEC-approved voting equipment. Based on these responses, RFA anticipated the bill may have an expenditure impact for counties that do not currently allow their municipalities to use their voting systems and for counties in which a municipality asks the county to manage its election on behalf of the municipality. Therefore, the local expenditure impact on counties was undetermined.

H. 3734 was not passed.

SCARE has requested that SCAC support legislation to standardize and consolidate elections on specific dates in March, June and November and to hold municipal elections in November or odd years.

Steering Committee's Recommended Policy Position:

Support legislation to standardize and consolidate elections on specific dates in March, June and November and to hold municipal elections in November of odd years.

Freedom of Information Act (FOIA)

Definition of "Public Record"

Currently, Section 30-4-20 (c) provides:

(c) "Public record" includes all books, papers, maps, photographs, cards, tapes, recordings, or other documentary materials regardless of physical form or characteristics prepared, owned, used, in the possession of, or retained by a public body."

Aiken County Attorney Brad Farrar has requested that SCAC support legislation to amend the definition of "public record" in Section 30-4-20(c) to provide that a "public record does not include reports, spreadsheets, or compilations that a public body has the hardware, software, or other technological capability to create but has not created or does not have copies of at the time of a public records request." Just because a public body may be able to produce records in a particular format, the mere production in a particular format does not mean that the public body has to create a new public record that must always be produced in that requested format.

Steering Committee's Recommended Policy Position:

Support legislation to amend the definition of "public record" in Section 30-4-20(c) to provide that a "public record does not include reports, spreadsheets, or compilations that a public body has the hardware, software, or other technological capability to create but has not created or does not have copies of at the time of a public records request."

Matters Exempt from Disclosure - Cast Vote Records

Currently, there is pending litigation concerning whether "cast vote records (CVR)" are exempt from disclosure from any election conducted pursuant to Section 7-1-10 *et seq.*

Section 30-4-10 *et seq.*, does not require the production of voted ballots, scanned images of voted ballots, and vote cast records. The South Carolina State Constitution guarantees the secrecy of the ballot. Article II, section 1 states, "All elections by the people shall be by secret ballot, but the ballots shall not be counted in secret." S.C. Const, art. II, § 1 (emphasis added). Moreover, Article II, section 10 directs the General Assembly to "insure secrecy of voting." S.C. Const. art. II, § 10. The South Carolina Supreme Court has explained the dominant purpose of these provisions "is to ensure the integrity of the voting process. It is calculated to secure privacy, personal independence, and freedom from party or individual surveillance. It tends to promote an independent and free exercise of the elective franchise." State ex rel. Edwards, 270 S.C. 87, 92, 240 S.E.2d 643, 645-46 (1978). To the extent that the disclosure of materials related to a cast ballot would lead to the identification of a voter, a court would hold such a disclosure is not required by the S.C. FOIA and violates the South Carolina Constitution. 2020 WL 5985610 (S.C.A.G. Sept. 28, 2020)); see 2022 WL 4229451 (S.C.A.G. Sept. 7, 2022).

Aiken County Attorney Brad Farrar has requested that SCAC support legislation to amend Section 30-4-40 to provide that ballot images or "cast vote records" are exempt from disclosure from any election conducted pursuant to Section 7-1-10 *et seq.* This would help ensure that election voting records are kept confidential.

Steering Committee's Recommended Policy Position:

Support legislation to amend Section 30-4-40 to provide that ballot images or "cast vote records" are exempt from disclosure from any election conducted pursuant to Section 7-1-10 *et seq.* This would help ensure that election voting records are kept confidential.

Matters Exempt from Disclosure - Compensation Paid by Public Bodies

Currently, Section 30-4-40(a)(6)(A) provides that a public body may but is not required to exempt from disclosure all compensation paid by public bodies except as follows:

(A) For those persons receiving compensation of **\$50,000 or more annually**, for all part-time employees, for any other persons who are paid honoraria or other compensation for special appearances, performances, or the like, and for *employees at the level of agency or department head*, the **exact compensation of each person or employee**.

For all other employees, who receive compensation between, but not including, \$30,000 and \$50,000 annually, the compensation level is within a certain range.

For purposes of this subsection (6), "*agency head*" or "*department head*" means any person who has authority and responsibility for any department of any institution, board, commission, council, division, bureau, center, school, hospital, or other facility that is a unit of a public body.

The compensation level has not increased since the enactment of FOIA in 1978.

Horry County Administrator Barry Spivey has requested SCAC support legislation to amend Section 30-4-40(a)(6)(A) to increase the current compensation level threshold due to inflation.

Steering Committee's Recommended Policy Position:

Support legislation to amend Section 30-4-40(a)(6)(A) to increase the current compensation level threshold due to inflation.

Right to Inspect or Copy Public Records

As discussed above, Section 30-4-20 (c) defines "public record" for purposes of FOIA. Section 30-4-20(B) states that records must be provided in a form that is both convenient and practical for use by the person who requested copies of the records concerned if it is equally convenient for the public body to provide records in this form.

Section 30-4-30 provides that "a person has a right to inspect, copy, or receive an electronic transmission of any public record of a public body, except as otherwise provided by Section 30-4-40, or other state and federal laws, in accordance with reasonable rules concerning time and place of

access. Further, “a public body is not required to create an electronic version of a public record when one does not exist to fulfill a records request.”

Aiken County Attorney Brad Farrar has requested that SCAC support legislation to amend Section 30-4-30 to provide that a public body is not required to create a record that does not exist at the time a request is made, even if the public body has the capability to create the requested record.

Steering Committee's Recommended Policy Position:

Support legislation to amend Section 30-4-30 to provide that a public body is not required to create a record that does not exist at the time a request is made, even if the public body has the capability to create the requested record.

Using Public Information for Commercial Solicitation

Currently, Section 30-2-50 provides the following:

(A) A person or private entity shall not knowingly obtain or use personal information obtained from a state agency, a local government, or other political subdivision of the State for commercial solicitation directed to any person in this State.

(B) Each state agency, local government, and political subdivision of the State shall provide a notice to all requestors of records pursuant to this chapter and to all persons who obtain records pursuant to this chapter that obtaining or using public records for commercial solicitation directed to any person in this State is prohibited.

(C) All state agencies, local governments, and political subdivisions of the State shall take reasonable measures to ensure that no person or private entity obtains or distributes personal information obtained from a public record for commercial solicitation.

(D) A person knowingly violating the provisions of subsection (A) is guilty of a misdemeanor and, upon conviction, must be fined an amount not to exceed five hundred dollars or imprisoned for a term not to exceed one year, or both.

Counties routinely deal with individuals or companies that request the names and addresses of property owners who are delinquent in their property taxes or own large tracts of land with timber. Once they obtain this information, they engage in **commercial solicitation**. In the case of delinquent property owners, companies often take advantage of the situation and either charge outrageous fees for their

services to help the property owners pay their back taxes or, even worse, their services turn out to be scams that do not deliver the promised services.

Section 30-2-50 does not authorize counties or other public bodies to withhold or refuse this information when it is clear the requestor will use it for commercial solicitation.

Malloy McEachin, Florence County Attorney, has requested that SCAC support legislation to authorize counties and other public bodies to refuse to disclose public information when it is reasonable to expect it to be used for commercial solicitation.

Steering Committee's Recommended Policy Position:

Support legislation to authorize counties and other public bodies to refuse to disclose public information when it is reasonable to expect it to be used for commercial solicitation. Additionally, support the ability to require an affidavit attesting that the information will not be used for such purposes.

General

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

County Elector Challenges and Hearing Timeframes

Section 7-5-230 deals with challenges to whether someone has met the qualifications to be an elector for purposes of voting in an election. Under the provisions of the statute, once a person is registered, challenges of the qualifications of any elector must be made in writing to the county board of voter registration and elections in the county of registration. The board must, within 10 days following the challenge and after first giving notice to the elector and the challenger, hold a hearing, accept evidence, and rule upon whether the elector meets or fails to meet the qualifications. The statute is silent as to whether the 10 days are business days or calendar days.

Support legislation to amend Section 7-5-230 to specify that the hearing must be scheduled within 10 business days.

Steering Committee's Recommended Policy Position:

Support legislation to amend Section 7-5-230 to specify that the hearing must be scheduled within 10 business days.

Intergovernmental Relations

County Border Realignment Consent Agreement

Where county boundaries are ill-defined, unmarked, or poorly marked, the South Carolina Geodetic Survey on a cooperative basis shall assist counties in defining and monumenting the locations of county boundaries and positioning the monuments using geodetic surveys. Over time, the exact boundaries may not have been properly maintained and consequently became lost or unclear. Correctly identifying the county boundary pursuant to state law aids in the proper administration of government and services.

Uncertainty regarding the location of the boundary may cause problems with voting, property taxes, emergency services, school attendance, property transactions, zoning, and other issues.

The South Carolina Geodetic Survey (SCGS) seeks to clarify the county boundaries as defined in Chapter 3, Title 4. The SCGS shall analyze archival and other evidence and perform field surveys geographically to position all county boundaries in accordance with statutory descriptions. Physical and descriptive points defining boundaries must be referenced using South Carolina State Plane Coordinates. The county boundary is not moved or changed by this process. This program is designed to identify the true location as described in state law. The result may identify discrepancies, other descriptions, or markings that are inconsistent with state law and need to be changed.

Frank Rainwater, the Executive Director of the South Carolina Revenue and Fiscal Affairs Office, has requested that SCAC support legislation aimed at establishing an alternative consent procedure for annexing a section of a county resulting from a boundary clarification.

Steering Committee's Recommended Policy Position:

Support legislation aimed at establishing an alternative consent procedure for annexing a section of a county resulting from a boundary clarification.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Municipal Annexation and Adhesion Contracts

Annexation has been a longstanding issue of contention between counties and municipalities. As the law is currently written, municipal annexation and adhesion contracts negatively impact county governments with respect to county revenues, taxation, and land use.

SCAC previously adopted a comprehensive approach to this issue as outlined below:

- Make adhesion contracts null and void.
- Provide a procedure for municipal deannexation in a manner similar to county boundary changes.

- Create a mechanism to freeze revenue from business licenses upon the annexation of a business by a municipality in the same manner that local hospitality taxes are treated when annexation occurs.
- Grant legal standing to counties for all annexations within their jurisdiction.
- Require municipalities to notify counties of proposed annexations. Notice should be given in time for the county to actively participate and provide input into the proposed annexation.
- Require municipalities to conduct a study to analyze and mitigate the potential impact of proposed annexations on the delivery and level of service of public services and facilities in order to assure that adequate public services and facilities will be available to serve development after annexation.
- Prohibit the creation of enclaves (donut holes) and provide incentives for municipalities to not create enclaves. The incentives would not require approval from landowners that would be affected by the annexation.
- Strengthen the Priority Investment Act (enacted in 2007 to improve the local government comprehensive planning process) by mandating that any municipal annexation that violates the Act would result in a reduction of the Local Aid to Subdivision funds the municipality receives.
-

Steering Committee's Recommended Policy Position:

Support legislation that would grant legal standing to county governments to challenge municipal annexations within their jurisdiction. Further, support legislation that would require all municipal annexation, including enclave annexation, by referendum as follows:

- **Support legislation prohibiting pre-facto and post-facto adhesion contracts.**
- **Provide a procedure for municipal deannexation in a manner similar to county boundary changes.**

- **Create a mechanism to freeze revenue from business licenses upon the annexation of a business by a municipality in the same manner that local hospitality taxes are treated when annexation occurs.**
- **Grant legal standing to counties for all annexations within their jurisdiction.**
- **Require municipalities to notify counties of proposed annexations. Notice should be given in time for the county to actively participate and provide input into the proposed annexation.**
- **Require municipalities to conduct a study to analyze and mitigate the potential impact of proposed annexations on the delivery and level of service of public services and facilities, in order to assure that adequate public services and facilities will be available to serve development after annexation.**
- **Prohibit the creation of enclaves (donut holes) and provide incentives for municipalities to not create enclaves. The incentives would not require approval from landowners that would be affected by the annexation.**
- **Strengthen the Priority Investment Act (enacted in 2007 to improve the local government comprehensive planning process) by mandating that any municipal annexation that violates the Act would result in a reduction of the Local Aid to Subdivision funds the municipality receives.**

**2024 Land Use, Natural Resources
and Transportation
Steering Committee**



**SOUTH CAROLINA
ASSOCIATION OF COUNTIES**

2024 Land Use, Natural Resources and Transportation Steering Committee

The responsibilities of the Land Use, Natural Resources and Transportation Steering Committee include growth policies, environmental issues, as well as transportation and other infrastructure issues. Specific areas of concern include issues related to land use; zoning and building code programs; solid and hazardous waste management programs; water resource systems; air quality; wetlands; energy conservation; eminent domain; parks and recreation; and state/federal transportation funding programs, to include "C" funds.

Meeting Dates:

Tuesday, September 17, 2024

Tuesday, November 12, 2024

Charles T. Edens, Chairman
Sumter County Council

Steering Committee Members *

County Representatives:

Evert Comer Jr., Bamberg County Council Chairman
Steven R. Harper, Lancaster County Council Chairman
Alice G. Howard, Beaufort County Council
A. Manning Lynch, Spartanburg County Council Chairman
Chuck Moates, Greenwood County Council Chairman
James Moore, Saluda County Council Chairman
Steven D. Murdaugh, Colleton County Council Chairman
Robert B. McClain, Abbeville County Council Chairman
L. Martin Sauls IV, Jasper County Council Chairman
Columbus Stephens, McCormick County Administrator
Dan Tripp, Greenville County Council Chairman
Anthony Woods, Marlboro County Council Chairman

SCAC Board Members:

John Q. Atkinson Jr., Marion County Council Chairman
Dr. Alphonso Bradley, Florence County Council
Barbara B. Clark, Jasper County Council Vice Chairwoman
Larry Haynes, Bamberg County Council
Dwight L. Stewart Jr., Clarendon County Council Chairman
Cecil M. Thornton Jr., Calhoun County Council

President's Appointees:

J. Shawn Brashear, Florence County Director of Planning & Building
Danny R. Bright, Union County Council
Danny Knight, Horry County Solid Waste Authority Executive Director
Jose Luis, Lancaster County Council
Andrea N. Melocik, Charleston County Planning & Zoning Deputy Director
Virginia Merck-Dupont, Lancaster County Attorney
Steve Thigpen, Charleston County Deputy Administrator – Public Services
Nicole Workman, Chester County Attorney

SCAC Staff Contacts: John O. Wienges Jr., and Avery D. Upchurch

*As of 10/7/2024

2024 Land Use, Natural Resources and Transportation Steering Committee

General Statement of Policy

South Carolina’s counties have played a vital role in maintaining natural resources, governing the wise use of land, and making public infrastructure decisions. Protection of natural resources must be a shared effort between the state and local governments. Counties recognize the importance of Home Rule and community input regarding land use, natural resources, and infrastructure decisions and have traditionally opposed statewide legislation that would preempt community input and solutions tailored to local situations involving these matters. County officials acknowledge their responsibility to carry out policies formulated by the General Assembly regarding matters of statewide concern. To that end, if state law mandates that local governments assume new or expanded responsibilities, the General Assembly should provide adequate guidance and funding to accomplish legislative aims.

Land Use

Land Use Policy Statement

Counties and municipalities are the only entities vested with the jurisdiction to adopt and enforce zoning ordinances, development regulations, and other land use measures. County governments encourage adequate open space that contributes to the quality of life of our citizens by providing recreational opportunities, enhancing air and water quality, and preserving and protecting South Carolina's unique natural beauty. Local communities are best able to understand the most beneficial use of land. To that end, local citizens require and expect local governments to establish and enforce local land use and zoning ordinances. The South Carolina Association of Counties believes that the state and other outside entities should avoid interfering in local land use matters.

Affordable Housing

Affordable housing is an issue that is likely to arise during this legislative session. As more people and businesses continue to move to South Carolina, the value of land and residences in urban areas continues to rise. As a result of a shortage of affordable housing, many people are unable to afford to live close to their workplace and getting to work becomes more costly and time consuming. Several bills have been introduced over the years to address the problem. These bills range from allowing counties to use inclusionary zoning strategies to increase the availability of affordable housing to statewide tax credits for affordable housing. Currently, no state law prohibits a county from adopting a land use regulation or plan to offer developers incentives to build affordable housing units. Possible incentives could include whole or partial waivers of development or impact fees, tax adjustments, or density adjustments.

The South Carolina Housing Forum began meeting in 2019 to discuss the driving factors behind a lack of affordable housing in South Carolina. SCAC staff was involved in the meetings and regularly heard complaints about local regulations and zoning practices inhibiting affordable housing. Many of these complaints were aimed at school districts imposing very high impact fees for new construction, but several cited high utility fees for new sewer and water taps as making affordable housing not profitable.

In August 2020, the Forum held a Home Attainability Conference to further discuss the issue of affordable housing in South Carolina. Several speakers, including a developer and an economic forecaster, discussed several barriers to affordable housing, including those listed above. The Forum is going to take ideas from the Conference and use them to introduce legislation to help alleviate the burdens faced by developers wanting to build affordable housing.

Deloris Frazier, Orangeburg County Councilwoman, voiced her concern over affordable housing and desire to bring more infrastructure and revitalization efforts to her community to attract people to move to Orangeburg.

Steering Committee’s Recommended Policy Position:

(1) Support legislation providing statewide tax benefits for affordable housing or local incentives to developers and landowners; (2) Oppose legislation that would impose limits on impact fees and tap fees.

Balcony Inspections

There has been legislation introduced in the past that would require counties to perform inspections of all exterior balconies on residential properties every five years. The Building Codes Council would be required to develop and administer a database of the results of the balcony inspections. Counties could assess and collect a fee for each balcony inspected. SCAC staff has provided alternative methods including the creation of a division under the Department of Labor, Licensing, and Regulation (LLR) which would perform balcony inspections in a similar manner to elevator inspections.

Barry Spivey, Horry County Assistant Administrator, requests that the steering committee oppose any legislative efforts to require counties to perform inspections of balconies.

Steering Committee’s Recommended Policy Position:

(1) Oppose legislation requiring counties to perform inspections of residential balconies and buildings; (2) Support legislation moving balcony inspections under LLR’s purview.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Data Centers

Recent advancements in technology have led to several companies looking to locate data centers in many of our counties. In the past couple of years, concerns have been raised by lawmakers, regulators and the public regarding the ability of South Carolina to keep up with the growing energy demand throughout the state. During recent meetings, several lawmakers expressed concerns over the amount of energy that is required to power data centers, in particular. It was stated several times that the data

centers only benefit the county in which they are located, yet the cost of providing power to these centers is spread among all ratepayers. As a result, SCAC anticipates legislation potentially preempting or limiting a county's authority to offer financial or other incentives to attract new data centers.

Steering Committee's Recommended Policy Position:

Oppose legislation that would prohibit a county from providing incentives for data centers.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Disposal of Lithium-ion Batteries

As the popularity of electric vehicles continues to grow, concerns have been raised regarding the handling and disposal of the lithium-ion batteries that power such vehicles. Currently, the lithium-ion battery industry lacks a clear path to large-scale economical recycling. One of the major factors currently driving the recycling of lithium-ion batteries is the price of cobalt, a major component of the battery systems. If the market price of cobalt drops, recycled cobalt would struggle to compete with mined cobalt, severely decreasing the likelihood of a lithium-ion battery being recycled. Additionally, if the lithium-ion batteries are placed into landfills, lithium, cobalt, manganese, and other metals found in batteries could leak from the casing of buried batteries and contaminate soil and groundwater.

Steering Committee's Recommended Policy Position:

(1) Support legislation or regulations providing disposal guidelines for lithium-ion batteries; (2) Support legislation to provide state oversight with manufacturer/distributor participation in the disposal process.

Disposal of Rooftop Solar Panels

The current nationwide regulatory scheme for managing the end-of-life process for solar panels is complex and often varies by jurisdiction. Beginning in the early 2000s, the residential use of solar panels has become increasingly popular as a renewable form of energy due to its affordability to a much wider market across the country. Although solar power is a form of clean energy, many solar panels are often composed of hazardous metals and other materials that aid in the energy generation process and must be considered when the panels are discarded.

Horry County expressed concerns regarding the challenges of identifying these potentially hazardous materials contained in discarded solar panels due to their diverse composition that is dependent upon each manufacturer’s specific design. As a result, Horry County is not accepting rooftop solar panels into the county’s solid waste facilities at this time.

Barry Spivey, Assistant County Administrator for Horry County, would like the steering committee to support legislation to provide State oversight with manufacturer/distributor participation in the disposal process.

Steering Committee’s Recommended Policy Position:

(1) Support legislation or regulations by DES providing disposal guidelines for rooftop solar panels in landfills; (2) Support legislation to provide state oversight with manufacturer/distributor participation in the disposal process.

Expansion of Broadband

Many rural and remote communities in South Carolina continue to lack reliable and high-speed internet access and need additional funding and assistance to develop infrastructure.

In 2022, Governor Henry McMaster signed Act 244 into law, which allocated ARPA funding to a variety of state agencies – including \$400 million to the SC Office of Regulatory Staff (ORS, home to the SCBBO) to expand broadband infrastructure.

In June, the South Carolina Broadband Office (SCBBO) announced the conclusion of its American Rescue Plan Act (ARPA) grant programs that resulted in the commitment of \$400 million to expand high-speed internet access to over 112,380 unserved or underserved Broadband Serviceable Locations (BSLs) statewide. The SCBBO’s ARPA programs resulted in an estimated \$663,059,112 broadband infrastructure investment for South Carolina.

The Economic Development Office in Chesterfield County requests that the steering committee support legislation to continue to push broadband access for everyone.

Steering Committee’s Recommended Policy Position:

Support legislation to continue to push broadband access for everyone.

Flood Maps and Building Code Requirements

New flood maps indicate a “Limit of Moderate Wave Action” (LiMWA) line, which is determined by the Federal Emergency Management Agency (FEMA), to delineate the Coastal A Zone (CAZ).

Construction in a CAZ must comply with the same construction requirements as a V-Zone (Coastal High Hazard Area). FEMA makes complying with the CAZ *voluntary*. The updated South Carolina Building Codes *requires* compliance with the Coastal A Zone. For example, Coastal A Zones in Georgetown County (County) extend roughly seven miles inland from the Ocean. This mandatory requirement increases construction costs, greatly impacts renovations and additions due to Substantial Improvement/Substantial Damage requirements in Special Flood Hazard Areas, and potentially impacts manufactured homes if placed within a CAZ because it now requires deep foundations designed by a registered engineer making affordable housing less affordable.

Georgetown County has applied to the Building Codes Council for a variance to the Coastal A Zone requirement based on their particular geographic conditions. The County has been in conversation with the SC Homebuilders Association who testified against them on this issue to work out a legislative fix. SCAC staff is working on language to include an option for counties to opt out of the LiMWA line requirements, a clause stating that if FEMA changes the LiMWA line from optional to mandatory the legislation then becomes null and void, and if the legislation were to be enacted it would trigger a notification requirement to the SC Department of Insurance, Board of Flood Mitigation, and the Building Codes Council within the Department of Labor, Licensing and Regulation.

Georgetown County has contacted SCAC and stated that the LiMWA line *cannot* be appealed or amended. Even if the County had attempted to provide alternative data/an amended model for these areas, they have been told these lines could not have been changed. Georgetown County has requested that the steering committee support legislation to provide relief from the LiMWA line requirements.

Steering Committee’s Recommended Policy Position:

Support legislation that would provide relief from the LiMWA line requirements and restrictions on development within watersheds.

Funding for Industrial Site Readiness

Many counties across South Carolina are actively engaged in recruiting prospective industrial partners to locate facilities in their respective communities in an effort to promote economic development and supply their citizenry with additional job opportunities. Site location decisions are being made faster than ever due to aggressive business timelines and competitive incentives. While there has been an increased effort by the State over the past ten years to help local governments with this effort through services such as LocateSC and the Site Readiness Fund, many counties continue to need additional funding and assistance to develop infrastructure and pad-ready industrial sites to assist them in landing economic development opportunities.

The Chesterfield County Economic Development Office requests that the steering committee support legislation to increase funding to counties across the State that would aid in developing pad-ready industrial sites, buildings, and infrastructure upgrades to help recruit additional industrial development.

Steering Committee’s Recommended Policy Position:

Continue to support funding mechanisms that would aid in developing pad-ready industrial sites, buildings, and infrastructure upgrades to help recruit additional industrial development.

Lot Cleanup

Counties have general powers under § 4-9-25 to enact ordinances to preserve health within the county, including to allow for the cleanup of property constituting a public nuisance. While they may not interfere with the rights of the general public sufficient enough to constitute a public nuisance, counties do have limited authority to address dwellings unfit for habitation. This authority is found in §§ 31-15-310 et seq. Section 31-15-310 allows counties to take corrective actions on dwellings unfit for habitation and add these costs to the property owner’s tax bill. If the property owner then fails to pay this portion of their property tax bill, the county may place a lien on the property. While this may temporarily alleviate the conditions, there is significant concern over the priority of the tax lien and the county’s ability to recover the money spent on the corrective actions.

Counties have the authority under § 6-9-50 to adopt the International Property Maintenance Code (IPMC), made available by the International Code Council. The IPMC provides specific maintenance requirements as well as requirements intended to maintain a minimum level of safety and sanitation for both the general public and occupants of a structure, residential or commercial. Counties that have adopted the IPMC have the authority under Section 109 to make emergency repairs to structures that pose a threat of imminent danger or under Section 110 to order the owner or owner’s agent to demolish structures that are unable to be repaired. Counties can then seek a judicial action against the owner for the recovery of the costs.

While counties can clean up or demolish structures in emergency situations, they do not have the power to clean up lots or to collect the cost as property taxes. Recovering costs from the owner of the property is not guaranteed, as many times the owner does not live in South Carolina and has no incentive or ability to clean up the low value property. As a result, the taxpayers of the county often end up paying for the cleanup of private property.

Bradley Farrar, Aiken County Attorney, would like the steering committee to support legislation to reduce the financial burdens that counties often face when cleaning up unkept properties.

Steering Committee’s Recommended Policy Position:

Support legislation giving counties the authority to clean up both structures and lots in order to recover the costs associated with the cleanup from the property owner on the tax bill.

Preemption of Land Use Measures

Each session there are attempts made to restrict local governments’ ability to regulate land use or to preempt local zoning authority. An example might include any regulation of installation of solar collectors. A policy of removing barriers to installation of solar panels may be laudable, but certain installations in historical or scenic areas may not be a good thing, and local governments are in the best position for understanding these land use issues.

Steering Committee’s Recommended Policy Position:

Oppose legislative preemption of local zoning or other restrictions on local land use regulation.

Short Term Rentals- Defining Terms to Close Loopholes

Each session there are attempts made to restrict local governments’ ability to regulate land use or to preempt local authority. Counties have traditionally recognized the importance of Home Rule in regard to land use decisions and have opposed statewide legislation that would preempt community input and solutions involving these issues. The state and other outside entities should avoid interfering in local decisions regarding land use decisions because local governments are in the best position for understanding how these issues impact their locality.

A recent Lexington County Council proposed ordinance defined short-term rentals as *“any property that is available for stays of between one and 29 days.”* The ordinance sets a number of regulations on rental guests too. The guest making the booking must be at least 18 years old, and they cannot check in or check out between 11 p.m. and 7 a.m. The draft is set to come up for discussion at Lexington County Council’s Sept. 12 meeting, when Airbnb’s government relations official will also be present to discuss the rules with council members.

John (Jay) Watson, Georgetown County Attorney, has requested that the steering committee support legislation to tighten definitions by distinguishing between “short-term renters” versus “roommates.”

Steering Committee’s Recommended Policy Position:

Support legislation that would tighten definitions by distinguishing between “short-term renters” versus “roommates.”

Waste Tires

South Carolina’s waste tire management program began in the early 1990s with counties recovering nearly 110 million tires from current generation and stockpiles of illegally dumped or stored tires across the state. This figure does not include waste tires sent directly to recyclers and not through county programs. The end-of-life management of waste tires was addressed with the passage of the South Carolina Solid Waste Policy and Management Act of 1991 which, among other things, bans the disposal of whole tires in landfills, requires county governments to manage waste tires generated within the county with collection and enforcement programs, and places a \$2 fee on the purchase of specific new tires that provides funding for the proper management and recycling of tires.

In recent years, issues have emerged that threaten the current program including significant costs to counties for the collection, hauling, and processing of waste tires that present funding methodologies cannot sustain as well as limited markets for the recycling and reuse of waste tires. The SC Department of Health and Environmental Control (DHEC) reinstated the South Carolina Scrap Tire Sustainability Coalition, which held its first meeting in September of 2023, to develop solutions for sustainable tire management and to develop new funding mechanisms for counties across the state.

Gary Mixon, Sumter County Administrator, and Johnathan Bryan, Sumter County Attorney asks the committee to support legislation to address the cost of waste tire disposal that county governments currently face in South Carolina.

Steering Committee’s Recommended Policy Position:

Support legislation that would address the increasing cost of waste tire disposal that county governments are currently facing, including, but not limited to: (1) Increasing the current \$2 advanced recycling fee; (2) Eliminating the current \$150/ton cap to allow counties across the state to address their local cost of disposal.

Natural Resources

Natural Resources Policy Statement

The task of preserving and maintaining South Carolina's natural resources encompasses numerous areas of concern and involves the exercise of authority by federal, state, and local governments. Since counties are charged with the task of balancing various interests, local community input and decision-making needs to be preserved. Counties have long recognized that efforts to ensure clean water and air and to protect wetlands transcend governmental boundaries. These efforts require close cooperation between federal, state, and local governments. To that end, the Association of Counties, and those directly impacted counties, should be included in any decisions concerning state and federal efforts to protect natural resources.

Energy Generation and Accessibility

According to the U.S. Census Bureau, South Carolina led the nation in population growth in 2023. One major component attributing to the rapid population increase has been the significant economic development success that the state has achieved over the last decade. Since 2017, the state has announced over \$36.4 billion in new investments and over 86,000 new jobs. This record-breaking growth in population and economic development has placed significant demand on South Carolina's electrical utility system that must be addressed with urgency to meet the surging need for energy while maintaining grid reliability for all citizens and businesses across the state.

During the 2024 legislative session, the SC Nexus for Advanced Resilient Energy Consortium, was developed in collaboration with research universities, technical colleges, state agencies, the Savannah River National Laboratory, economic development non-profits, and private businesses. The Consortium won the U.S. Department of Commerce's Economic Development Administration's designation as one of the nation's Regional Technology and Innovation Hubs.

The General Assembly also introduced comprehensive energy reform bill in 2024 (H. 5118), that among other things, urged Dominion Energy South Carolina and Santee Cooper to pursue a joint project to construct a modern combined-cycle natural gas power generating facility at the site of an old coal-fired power plant in Canadys. Although this legislation did not pass, the General Assembly has signaled that energy generation and accessibility will be one of its top priorities for the 2025-2026 legislative session.

Michael Vaughn, Chester County Councilman, and the Economic Development Office in Chesterfield County request that the steering committee support legislation to promote an increase in energy production and accessibility to meet the increasing demand for power across the State.

Steering Committee’s Recommended Policy Position:

Support legislation to promote an increase in energy production and accessibility to meet the increasing demand for power across the state.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Solid Waste Flow Control

There will be strong continued legislative efforts to undermine counties’ responsibilities under state law and Home Rule to determine what is in the best interests of its citizens regarding disposal of solid waste. If successful, these efforts will greatly erode counties’ ability to regulate solid waste in order to comply with the Solid Waste Management Act and DHEC/Department of Environmental Services (DES) regulations.

“Flow control” is simply a local government determining where solid waste within its jurisdiction may go. Constitutional issues with such ordinances have been raised in the past, but in a 2007 U.S. Supreme Court case, a narrow set of circumstances was deemed constitutionally permissible; and in 2013, the South Carolina Supreme Court upheld Horry County’s flow control ordinance.

Steering Committee’s Recommended Policy Position:

(1) Oppose legislative efforts to undermine counties’ authority to address their responsibilities regarding the disposal of solid waste; (2) Support legislation providing counties with increased flexibility and accessibility to solid waste disposal.

Transportation and Other Infrastructure

Transportation and Other Infrastructure Policy Statement

As communities across South Carolina grow, many counties are faced with increasing stress on public infrastructure. This has accelerated the demand for new and expanded airports, roads, bridges, water and sewer systems, and solid waste disposal. Counties should take a proactive role in determining the direction of infrastructure and should be included in decisions at the state level affecting local infrastructure.

Infrastructure Definitions

The “Infrastructure Investment and Jobs Act” was passed into law in November of 2021 with the goal of increasing federal spending on “infrastructure” by approximately \$550 billion over the next decade through grants to state and local governments. The Act defines infrastructure in § 70912(5) as:

“structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.”

Currently, the South Carolina Code of Laws does not formally define the term “infrastructure” and its meaning changes frequently, even within the same Title of the Code. For example, infrastructure in Section 11-42-30 is defined as:

“basic facilities, services, and installations needed for the functioning of government including, but not limited to, water, sewer, and public sector communication facilities...”

While under Section 11-41-20, infrastructure means:

“(a) land acquisition; (b) site preparation; (c) road and highway improvements; (d) rail spur construction; (e) water service; (f) wastewater treatment; (g) employee training which may include equipment used for such purpose; (h) environmental mitigation; (i) training and research facilities and the necessary equipment therefor; and (j) buildings and renovations to buildings whether new or existing...”

Joe Passiment, Beaufort County Council Chairman, requested that the steering committee support legislation to make the state’s definition of infrastructure consistent with that of the federal

government. This would likely help streamline a county’s ability to request grants from the federal government for in-state transportation projects.

Steering Committee’s Recommended Policy Position:

Support legislation that would make the state definition of infrastructure match the federal definition and would add solid waste to the definition of infrastructure.

The following issues are likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Transfer of Roads from SCDOT to Counties

There have been past proposals to transfer over 19,000 centerline miles of state roads to local governments. Legislators and the SC Department of Transportation (SCDOT) acknowledge that these roads are in poor condition and contend that state funds are not available to continually maintain them. Further, they believe that many of these roads have no reason for being under the state system in the first place. A bill was previously filed that would have transferred these non-federal aid secondary roads to local governments at the option of county council with an increase in C funds to pay for their maintenance. Members of the legislature have repeatedly stated that any legislation including the transfer of roads to counties would be optional at the county council level and that funding would be adequate to maintain these roads.

Steering Committee’s Recommended Policy Position:

Oppose legislation that would require a mandatory transfer of roads from SCDOT to local governments.

Transportation Infrastructure Project Funding

Several counties have stressed that the current system and formulas used by SCDOT are not adequate to address the growing needs for construction and maintenance of highways and roadways throughout the state. SCDOT states that it does not have sufficient funds to fix all roads in the state and it is safe to say that local governments who wish to have their transportation projects completed will likely need to look to more local revenue-producing methods. Several funding proposals including the selective use of tolls or HOV lanes that have been previously considered by the legislature as well as recurring funding to the State Transportation Infrastructure Bank (SIB) and sources of dedicated revenue for interchange upgrades or improvements.

Barry Spivey, Assistant County Administrator for Horry County, raised concerns with local option gas taxes for road maintenance and construction. Mr. Spivey suggests that this should be shared with municipalities but should be managed at the county level as gas stations and travel are both in and out of municipalities.

Steering Committee’s Recommended Policy Position:

Support legislation providing alternative funding sources and methodologies that would expedite project recovery for transportation infrastructure projects.

Uniform Process for the Dedication of Roads to Local Governments

Unlike states in which dedication procedures for roads are set by statute, South Carolina dedication rules derive from case law and are often viewed as ambiguous and provide little certainty. South Carolina courts have held that there are two key elements involving road dedication: (1) an offer to dedicate the road to the public and (2) acceptance by the public. While evidence of the first element is usually found to be more concrete, “proof of acceptance by the public” under the second element is often more difficult to decipher. As a result, uncertainty is created as to whom the rights and liabilities associated with roads should accrue. Establishing a statutory form of road dedication, executed by both the landowning offeror and the government counterpart, and recorded in the chain of title, would provide every county and municipality with a uniform process. This would benefit counties and municipalities from inadvertently becoming responsible for roads through public use.

Lancaster County has requested that the steering committee support legislation that would provide for a statutory scheme of road dedication to provide legal certainty and a uniform process for local governments.

Steering Committee’s Recommended Policy Position:

Support legislation providing a statutory scheme of road dedication to provide legal certainty and a uniform process for local governments.

**2024 Public Safety, Corrections and
Judicial Steering Committee**



**SOUTH CAROLINA
ASSOCIATION OF COUNTIES**

2024 Public Safety, Corrections and Judicial Steering Committee

The responsibilities of the Public Safety, Corrections and Judicial Steering Committee include issues relating to the funding and administration of law enforcement; corrections and jails; the judicial system; fire and life safety programs; and emergency disaster preparedness. Specific areas of concern include issues related to law enforcement; adult and juvenile detention; the court system, including clerks of court and registers of deeds, magistrates, and probate judges; E-9-1-1 service programs; fire protection services; emergency medical services; and emergency preparedness programs.

Meeting Dates:

Wednesday, September 18, 2024

Wednesday, November 13, 2024

**Julie J. Armstrong, Chairwoman
Charleston County Clerk of Court**

Steering Committee Members*

County Representatives:

Chris Bowers, Pickens County Council Chairman
Hattie Burns, Chesterfield County Council
Jeff Carroll, Laurens County Council Vice Chairman
Matthew Durham, Oconee County Council Chairman
Bobby C. Hudson, Darlington County Council Chairman
Todd Johnson, Newberry County Council Chairman
James T. McCain Jr., Sumter County Council Chairman
Louis R. Morant, Georgetown County Council Chairman
Douglas Pauley, Fairfield County Council Chairman
Phillip G. Russell II, Union County Supervisor/Chairman
Julie Stutts, Aiken County Register of Deeds
Albert Talbert, Edgefield County Council Vice Chairman
Latisha Walker, Orangeburg County Council
Kelvin C. Washington, Williamsburg County Supervisor/ Chairman

SCAC Board Members:

Cam Crawford, Horry County Council
Waymon Mumford, Florence County Council
William E. Robinson, Allendale County Council Vice Chairman

President's Appointees:

Johnathan W. Bryan, Sumter County Attorney
Doug Bryson, Spartanburg County Emergency Services Director
James C. Campbell, Sumter County Clerk of Court
Tonia Capers-Jones, Allendale County Detention Center Director
Brandon Ellis, Georgetown County Director of Emergency Services
Mario Formisano, Dorchester County Deputy Administrator for Public Safety
Brian Hester, Chester County Administrator
John C. Hicks, York County Chief Jail Administrator
Theo Lane, Greenwood County Council Vice Chairman
Amy McCulloch, Richland County Probate Judge
Timothy L. Nanney, Greenville County Register of Deeds
Bobbie Jo O'Neal, Charleston County Coroner
D. Keith Smith, Allendale County Probate Judge

*As of 10/6/2024

SCAC Staff Contact: Kent Lesesne

2024 Public Safety, Corrections and Judicial Steering Committee

General Statement of Policy

One of the primary responsibilities of government is to protect its citizens from those who threaten their life, liberty, and property. County government resources are being strained to the limit to provide sufficient law enforcement, to deal with the escalating complexities and backlog in the judicial system, and to cope with the crises in jail overcrowding and juvenile crime. Many of these responsibilities fall on the counties as state mandates with either inadequate or no state funding.

County government officials feel that the critical issues facing our counties cannot be solved in a vacuum, but only through partnerships with the federal, state, and local governments; the private sector; volunteer organizations; community groups; and others. The state must take a leadership role in examining the causes of crime so that we do not have to continually build more jails, to find better methods to deal with high recidivism rates, and to make improvements in a judicial system that moves at a less-than-acceptable pace and has not adequately kept up with societal changes. The federal and state governments must not only support these efforts through strong leadership, but sufficient financial support must be provided if we are to solve these issues and improve the quality of life of all South Carolinians.

Corrections

Corrections Policy Statement

There must be an equitable relationship between the state and the counties for the growing demands of adult and juvenile incarceration. The “get tough on crime” policies enacted in recent years have compounded the problems of jail overcrowding, insufficient staffing, inadequate funding, and increased violence. Continual expansion and construction of jails are poor and unacceptable answers to jail overcrowding. The state and federal governments must provide financial support and alternatives to incarceration if we are to make any headway in the criminal justice system.

Amending the Safekeeper Statute

Section 24-3-80 of the SC Code of Laws allows the director of the Department of Corrections (SCDC), at the request of the Governor, to admit and detain in the Department any prisoner tendered by any law enforcement in this state as long as the prisoner was issued an arrest warrant within 48 hours of their commitment. This is commonly referred to as the Safekeeper Statute. This statute allowed local detention centers to house an inmate designated as a high security risk at SCDC. For years this was a great benefit to the counties. However, several years ago, SCDC became concerned that they could be personally held accountable/liable if a county inmate being housed at SCDC under the Safekeeper Statute was injured or killed. Based on their concern, SCDC has refused to admit any county inmates for the last several years. This has created a significant security risk to our officers and other inmates in county detention centers who do not have the resources/staff to safely house high security risk inmates.

The detention center and jail administrators request that SCAC support a proposed amendment to

§ 24-3-80 that SCDC has indicated they would not oppose, which would authorize a general sessions court to issue a safekeeper order to transfer an extraordinary security risk prisoner in a pretrial detention facility to the custody of SCDC.

The amendment language is as follows:

SECTION 24-3-80. Detention of prisoner when authorized by Governor by the Department of Corrections.

~~The director of the prison system shall admit and detain in the Department of Corrections for safekeeping any prisoner tendered by any law enforcement officer in this state by commitment duly authorized by the Governor, provided, a warrant in due form for the arrest of the person so committed shall be issued within forty eight hours after such commitment and detention. No person so committed and detained shall have a right or cause of action against the State or any of its officers or servants by reason of having been committed and detained in the state prison system.~~

- (a) Whenever necessary to avoid an extraordinary security risk in a pretrial detention facility, the resident circuit court judge or any circuit court judge holding a term of the Court of General Sessions is authorized to order that a prisoner be transferred to the custody of the South Carolina Department of Corrections where the prisoner shall be held for such length of time as the court may direct.
- (b) For purposes of this section, a prisoner may be found to pose an extraordinary security risk if the prisoner:
 - (1) Poses an unusually high escape risk;
 - (2) Exhibits extremely violent and aggressive behavior that cannot be contained in a pretrial detention facility and warrants a greater level of supervision;
 - (3) Needs to be protected from other inmates, and a pretrial detention facility cannot provide such protection; or
 - (4) Otherwise poses an imminent danger to the staff of the pretrial detention facility or to other prisoners in the facility.
- (c) This section shall not be utilized as a means to acquire or provide the prisoner with medical or mental health care and services in the Department of Corrections.
- (d) The circuit solicitor, at the request of the sheriff or the appointed facility manager of the pretrial detention facility in the county where the prisoner is detained, may petition the Court of General Sessions for a safekeeper order. The petition shall be accompanied by sworn affidavit(s) and by all other admissible evidence demonstrating that the prisoner poses an extraordinary security risk as defined in this section and is thus an appropriate candidate for transfer to the Department of Corrections as a safekeeper. A copy of the petition shall be promptly served on the prisoner and his retained or appointed criminal defense attorney. The prisoner shall be entitled to a hearing to contest that petition. The hearing shall be held within five business days of the filing of the petition unless the court finds that additional time is warranted. A copy of the petition shall also be promptly delivered to the General Counsel for the Department of Corrections, and the Department shall have the right to request and participate in a hearing should the Department wish to contest whether the prisoner is an appropriate candidate for transfer under this section and any terms related thereto. If warranted by the evidence presented, the resident circuit judge or any circuit judge or any circuit court judge holding a term of the Court of General Sessions shall issue a

- safekeeper order setting forth the duration of the transfer to the Department of Corrections and such other stipulations as deemed appropriate.
- (e) After transfer to the Department of Corrections pursuant to a court order under this section, the prisoner, through his criminal defense counsel, shall have the right to petition the Court of General Sessions for a change in circumstances that would merit a termination of the safekeeper order or an amendment of its terms. The petition shall be accompanied by sworn affidavit(s) and other admissible evidence. If such a petition is filed, a hearing shall be held within thirty days of the filing date unless emergency circumstances warrant an expedited hearing. The circuit solicitor and the Department of Corrections shall each be allowed to participate in such hearing. The circuit solicitor and the Department of Corrections shall each similarly have the right to petition the Court of General Sessions for a change in circumstances that would merit a termination of the safekeeper order or an amendment of its terms. In such instance, the petition shall be accompanied by sworn affidavit(s) and other admissible evidence. Further, a copy of the petition shall be promptly served on the prisoner and his retained or appointed criminal defense attorney, who will have a right to participate in a hearing and contest petition.
 - (f) The sheriff or the appointed facility manager of the pretrial detention facility in the county from which the prisoner is removed shall be responsible for transporting the prisoner to the Department of Corrections and for returning the prisoner to the pretrial detention facility from which the prisoner was transferred. The return shall be at the expiration of the time designated in the safekeeper order directing the transfer unless the Court of General Sessions, by appropriate order, directs otherwise. The sheriff or appointed facility manager of the pretrial detention facility designated in the court order shall receive and release the custody of the prisoner in accordance with the terms of the safekeeper order.
 - (g) The sheriff or appointed facility manager of the pretrial detention facility designated in the safekeeper order shall provide the Department of Corrections with all available and pertinent records relating to the prisoner, including but not limited to, any special facts, issues, or circumstances known to the sheriff or appointed facility manager of the pretrial detention facility concerning the particular propensities of the prisoner, the medical records for the prisoner, and any information as to security risks posed by the prisoner.
 - (h) All medical costs associated with the prisoner held by the Department of Corrections for safekeeping who develops a need for hospitalization or other special medical attention while in the custody of the Department of Corrections shall be the responsibility of the county from which the prisoner is removed.
 - (i) The sheriff or the appointed facility manager of the pretrial detention facility in the county from which the prisoner is removed shall be responsible for transporting the prisoner to any court hearings and to any scheduled medical appointments. In emergency situations, the Department of Corrections is authorized to provide transportation.
 - (j) No prisoner transferred to the custody of the Department of Corrections under this section shall have a right or cause of action against the State, its agencies and political subdivisions, and any of the officers or servants thereof, by reason of having been committed or detained in the Department of Corrections.
 - (k) This section is applicable only to requests for detention of unsentenced prisoners within the Department of Corrections and is not intended to impact nor to restrict the authority of the sheriff or appointed facility manager of the pretrial detention facility from arranging for the assignment of any such prisoners to a local regional correctional facility which may be created under the provisions of Section 24-3-27, nor from arranging for the temporary placement of any such prisoners in some other local detention facilities, either through mutual agreement or through official contract as indicated in Section 24-3-30(A).

Steering Committee's Recommended Policy Position:

Support legislation to amend § 24-3-80, the Safekeeper Statute, which would authorize a general sessions court to issue a safekeeper order to transfer an extraordinary security risk prisoner in a pretrial detention facility to the custody of SCDC.

Assaults on Public Employees

In 2010, the General Assembly rewrote the assault and battery statutes and repealed several sections of state law that provided harsher penalties for assaults on correctional facility employees, emergency medical service providers, firefighters, and home healthcare workers.

S.C. Code §16-3-630, one section repealed, provided that a person convicted of assault upon a state or local correctional facility employee must serve a mandatory sentence of not less than six months nor more than five years. This sentence must be served consecutively with any other sentence the person is serving. By repealing this section, there is no “special treatment” provided to these employees whose jobs continually put them at risk for assault. Similarly, § 16-3-635 was repealed, which provided harsher penalties for assaults on emergency medical service providers, firefighters, and home healthcare workers. These public employees are more at risk for assault because of the nature of their duties.

John Hicks, York County Chief Jail Administrator, has requested that SCAC support legislation to reinstate those repealed sections.

Steering Committee's Recommended Policy Position:

Support legislation to reinstate § 16-3-630 dealing with the assault on state and local correctional facility employees, and to reinstate § 16-3-635 dealing with the assault on emergency medical service providers, firefighters, and home health workers.

Cell Phones in Jails

Contraband, particularly cell phones, has been a serious problem in correctional and jail settings. Smuggled cell phones have enabled inmates to conduct criminal activity in jails and prisons such as ordering murders and coordinating escapes and major drug trafficking rings.

State and local corrections officials have been working with federal agencies and phone carriers on how to address this. One solution would be using cell-phone signal jamming devices. However, the Communications Act and Telecommunications Act, both federal laws, only allow federal agencies to use jamming technology and the FCC and phone carriers are not receptive to changing the laws. Lee County Correctional Facility is currently running a pilot program where it will give all phone carriers a list of phone numbers that are authorized to transmit in or out of the prison. Any other number will be unable to call in or out of the prison. With the passage of Act 137 (cell phone ban in the SCDC that will also allow them to use cell-phone signal jamming devices) and the additional funding from the General Assembly, the SCDC will be placing cell-phone signal jamming devices in other correctional facilities.

Horry County requests that SCAC support legislation that would aid in the elimination of cell phone use by inmates.

Steering Committee's Recommended Policy Position:

Support legislation that would aid in the elimination of cell phone use by inmates.

Juveniles in Local Detention Facilities

Beginning on July 1, 2019, the age of juveniles for criminal justice purposes was raised to include 17-year-olds pursuant to Act 268 of 2016. The Senate Select Committee on Raise the Age studied the implementation of Act 268 of 2016. The Committee produced a report in 2020 with recommendations to the General Assembly and since that time, several bills were introduced to amend the Constitution to provide for separate confinement of juveniles from “under the age of 17” to “under the age of 18.” S. 43, introduced in 2023 is the latest bill to be introduced that would accomplish this.

The jail administrators and detention center facility managers are requesting that SCAC support legislation similar to S. 43 that would amend the Constitution to provide for separate confinement of juveniles from “under the age of 17” to “under the age of 18.”

Steering Committee’s Recommended Policy Position:

Support legislation to amend the Constitution to change the age of juvenile offenders from “under the age of 17” to “under the age of 18.”

Medicaid Benefits for Former Inmates

Federal law prohibits the use of Medicaid funds for services provided to an “inmate of a public institution,” which includes people who are incarcerated in jails, prisons, detention centers or other correctional facilities. Known as the “Medicaid Inmate Exclusion Policy,” this policy has resulted in states terminating or suspending benefits for people who receive care through Medicaid, even if they are incarcerated for a short period of time. Once incarcerated, the individual’s health care becomes the responsibility of the state and local governments that run the over 1,800 state prisons and 3,000 local jails nationwide. Shifting between two systems of health care causes many people to become disconnected from treatment, disrupting their overall health.

Beaufort County requests that SCAC support legislation to authorize the SCDC and local detention facilities to suspend, rather than terminate, Medicaid benefits for inmates so that these benefits can resume immediately upon release, and to provide that any benefit received by a pretrial detainee prior to conviction cannot be suspended until a guilty verdict is rendered.

Steering Committee’s Recommended Policy Position:

Support legislation to authorize the Department of Corrections and local detention facilities to suspend, rather than terminate, Medicaid benefits for inmates so that these benefits can resume immediately upon release, and to provide that any benefit received by a pretrial detainee prior to conviction cannot be suspended until a guilty verdict is rendered.

Operation of Vending Facilities by Commission for the Blind within Detention Centers

Senate Bill 1017 (S. 1017) of 2020, as introduced, would prevent the S.C. Commission for the Blind from operating any vending facility at a local detention center. S. 1017 was amended during the 2020 legislative session to prevent blind persons from operating any commissary services provided in local detention facilities but would allow them to operate vending machines outside of the secured areas of a detention facility, or within the secured areas if those operations began prior to the effective date of the legislation. However, the bill failed to pass.

Horry County requests that SCAC support legislation that encompasses the compromise language of S. 1017 of 2020 that would only allow blind persons to operate vending machines outside of the secured areas of a detention facility or within if those operations began prior to this legislation.

Steering Committee's Recommended Policy Position:

Support legislation that encompasses the compromise language of S. 1017 of 2020 that would only allow blind persons to operate vending machines outside of the secured areas of detention facility or within if those operations began prior to this legislation.

Judicial

Judicial Policy Statement

The operation of the court system is a function performed by counties in their role as an arm of state government. More than 250,000 cases were pending in circuit and family courts at the end of August 2023. This workload, as well as increased demands on county judicial staff and resources, has put a strain on county government finances. The state must look at methods to address the overload in the judicial system and to stop mandating additional requirements without providing sources of funding. Counties should not be the last in line to receive their portion of fines, fees, assessments, and surcharges.

Deed Standardization

Tim Nanney, Register of Deeds for Greenville County has raised this issue. There is a lot of important information listed on deeds. Because there are no uniform standards as to where this information is placed on the deed, it is often hard to find. Also, the attorney preparing the deed often fails to leave space for the deed stamps.

Mr. Nanney requests that SCAC support legislation to establish some uniform standards for deeds as well as a non-compliance fee if the deed does not meet the proposed statutory requirements.

Steering Committee's Recommended Policy Position:

Support legislation that would establish uniform standards for deeds as well as a noncompliance fee if the deed does not meet the proposed statutory requirements.

Expungement for Pardoned Offenses

Section 24-21-930 of the Code of Laws authorizes the South Carolina Probation, Parole, and Pardon Services Board an order of pardon. A pardon ends the penalties and punishments that resulted from a criminal conviction. It also restores the civil rights of someone convicted of a crime. These rights include the right to vote, the right to serve on a jury, the right to hold most public offices, the right to resume a licensed profession, and the right to testify in court without having evidence presented about the conviction. However, the original conviction remains on a criminal record after a pardon. After receiving a pardon, an individual must still acknowledge their conviction. A pardon does not affect sex offender status.

Phillip Taylor, Vice Chairman for Colleton County, has requested that SCAC support legislation that would allow someone who has received pardon and has had no additional criminal charges to apply for an expungement.

Steering Committee's Recommended Policy Position:

Support legislation that would allow someone who has received a pardon and has had no additional criminal charges for at least five years from the date of the pardon to petition for an expungement.

Probate Judge Qualifications

Probate judges perform an important role in our judicial system. Most of the probate judges in our state are not attorneys. There is a concern that the General Assembly will attempt to pass legislation that would require a probate to be an attorney. Amy McCulloch, Richland County Probate Judge, has requested that SCAC oppose any legislation that would require any person running to become a probate judge to be an attorney.

Steering Committee’s Recommended Policy Position:

Oppose any legislation that would require a person running to become a probate judge to be an attorney.

Law Enforcement Officers / Judicial Privacy

Act No. 56 of 2023 was signed into law by the Governor on May 19, 2023. The legislation was scheduled to go into effect on July 1, 2024. There is a provision in the Act that requires the South Carolina Criminal Justice Academy and the South Carolina Court Administration to create a form to be used respectively by law enforcement members and members of the judiciary to request the redaction of their personal information from public records. One of the main concerns raised by clerks of courts and registers of deeds is that without knowing exactly what public documents contain the personal information, they may not redact all of the personal information of a requestor and might be held liable for failing to do so.

Additionally, S. 841 was introduced in the 2024 legislative session and it expanded the provisions of Act No. 56 to include current and former solicitors and their assistants, attorney generals and their assistants, US Attorneys for the District of South Carolina and their assistants, public defenders (federal, state, county) and their assistants. S. 1034 was also introduced in 2024 to address some of the issues raised with Act No. 56. Neither S. 841 nor S. 1034 became law.

As a result, Act No. 220 of 2024 was enacted and extends the effective date of Act No. 56 to July 1, 2025, so that additional legislation can be introduced to address the issues with Act. No. 56.

Margaret Bailey, Dorchester County Register of Deeds; Julie Stutts, Aiken County Register of Deeds; Patsye Greene, Beaufort County Register of Deeds; and Jonathan Bryan, Sumter County Attorney are requesting that SCAC support legislation to require law enforcement, members of the judiciary, and any other requestors that would be covered under the provisions of a privacy act requesting that their personal information be redacted to specify which documents contain their personal information. The redaction should be limited to online documents only, the custodians of public records shall not be held liable for claims or damages for personal contact information on a

public record. Completed redaction request forms are confidential and not subject to the Freedom of Information Act.

Steering Committee's Recommended Policy Position:

- (1) Support legislation to amend Act 56 of 2023 to require law enforcement and members of the judiciary that are requesting that their personal information be redacted to specify which documents contain their personal information. Also, redaction should be limited to online documents only.**
- (2) Amend § 30-4-40 of the Freedom of Information Act to exempt the disclosure of the redaction form containing the personal information of law enforcement officers, judges, any other public employees or personnel that may be authorized to have their personal information redacted from public documents.**

Public Safety

Public Safety Policy Statement

Public safety services continue to be one of the largest budget items for South Carolina counties. Growth and changes in our communities have necessitated additional expenditures for first-responder services including fire and rescue, emergency management and response, and law enforcement at a time when staff and resources are in short supply. High incidences of crime along with implementation of homeland security safeguards at the federal and state level both have placed additional demands on law enforcement and emergency services personnel.

Continued devolvement of programs at the local level has resulted in more flexibility, but there is insufficient funding to address these critical needs.

911 Charges

Pursuant to South Carolina Code Section 23-47-10, “911 charges” include start-up equipment costs, subscriber notification costs, addressing costs, billing costs, nonrecurring and recurring installation, maintenance service, and network charges. Currently, 911 charges or fees are not adjusted for inflation.

Horry County asks that SCAC support indexing 911 fees for inflation.

Steering Committee’s Recommended Policy Position:

- (1) Support adjusting 911 charges for inflation. (2) Support telecommunications equipment being an allowable expense for 911 charges so long as the equipment is for 911 centers or public safety answering points.**

Adding Coroners to the SCLEAP Program for Mental Health Treatment

Coroners, like law enforcement and firefighters and EMS workers are first responders and as such, encounter situations that can take a toll on their mental health. Bobbi Jo O’Neal, Charleston County Coroner, has requested that SCAC support legislation to authorize coroners to be included in the South Carolina Law Enforcement Assistance Program (SCLEAP) to receive mental health treatment.

Steering Committee’s Recommended Policy Position:

Support legislation to authorize coroner to be included in the South Carolina Law Enforcement Assistance Program (SCLEAP) to receive mental health treatment.

Abatement of Coyotes and Foxes

South Carolina has a growing problem of coyotes and foxes attacking domestic pets. Rabid foxes are a danger to humans. Foxes in particular can damage turf digging for rodents and other burrowing creatures and may take up residence under porches and sheds. As residential development in our state continues to explode, they are showing up in increasing numbers at some of our tourist attractions such as beaches and on golf courses. Property owners can shoot a coyote or fox within 100 yards of their property without any license or permit. Anyone with a hunting license may hunt coyotes throughout the year. Foxes can be hunted with a valid hunting license only during season from December 1 through March 1. However, this may not be practical in many residential areas where ordinances and regulations prohibit the discharge of firearms. As a result, county animal control officers are routinely called out to remove a nuisance fox or coyote. This only puts an additional strain on county animal control departments, many of which are overcrowded with domestic animals and have limited resources to abate nuisances such coyotes and foxes. Beaufort County Council Chairman Joe Passiment has requested that SCAC support legislation to help counties in the abatement of coyotes and foxes.

Steering Committee's Recommended Policy Position:

SCAC will contact the South Carolina Department of Natural Resources to get a better understanding of their role in addressing nuisances such as coyotes and foxes as well as other nuisance animals (feral hogs) and invasive species (armadillos, tegu lizards).

Coroner Qualifications

South Carolina is one of the only states in the country with established educational and/or experience-based qualification requirements for those running for the office of coroner. Medicolegal death investigation personnel are proud of these requirements as this profession has become more specialized, technical, research-based, and scientific. The public has also become more aware of the vital role of coroners.

SC Code Section 17-5-130 details the requirements to run for this important office. Currently, a candidate is considered qualified to run if they are:

“enrolled in a recognized forensic science degree or certification program to be completed within one year of being elected to the office of coroner.”

The medicolegal death investigation profession does not consider someone “enrolled” in the program to be qualified. Also, citizens expect their elected officials to be qualified at the time they take office, not within one year of being elected. Further, there is no process to confirm that an individual is “enrolled” in a program or that they complete the program within one year. There is also no consequence for those who do not follow the law by failing to complete the program within one year of being elected.

H. 3865, which was introduced in 2023, provides that paramedics with three years of experience, are qualified to serve as a coroner.

Although H. 3865 did not become law, Bobbi Jo O’Neal, Charleston County Coroner is requesting that SCAC support legislation to delete the provision found in § 17-5-130(A)(2)(e) that qualify a candidate to run if they are “enrolled” in a program.

Steering Committee’s Recommended Policy Position:

Support legislation to amend the coroner qualifications found in § 17-5-130 by: (1) Deleting the provision in § 17-5-130(A)(2) that allows a candidate to run for coroner if they are “enrolled in a recognized forensic science degree or certification program to be completed within one year of being elected to the office of coroner.” (2) Adding a provision that requires a candidate to submit a sworn affidavit along with supporting documents at the time of filing certifying that they meet the qualifications to serve as a coroner.

Cremation Permits

South Carolina coroners are mandated by SC Code Section 17-5-600 to issue a permit authorizing a decedent to be cremated. The process for issuing this permit is lengthy, detailed, and costly to county governments. It is an investigative process that ensures that a decedent is not cremated prior to a full medicolegal death investigation by the jurisdictional coroner. Currently, many county coroners charge a nominal fee for this process which is billed to the funeral home requesting the permit, who then passes that cost on to the consumer requesting cremation. In 2022, the Charleston County Coroner's office issued 3064 cremation permits. They currently charge a \$35.00 fee to cover the investigative and administrative time required to complete the permit. It can only be issued by investigative personnel (coroner, deputy coroner, medical examiner, or deputy medical examiner) and not by administrative personnel.

A bill was introduced in 2023 (H. 3017) that would prevent coroners from charging a fee for cremation permits. If a fee is not charged to cover the cost of personnel time, each county government will need to cover this cost. This cost would then be passed on to the taxpayers, as opposed to the consumer who requested the service. This bill did not pass.

Legislation similar to H. 3017 is likely to be introduced next session, and Bobbi Jo O'Neal, Charleston County Coroner is requesting that SCAC oppose any legislation that would prohibit coroners from charging a cremation permit fee.

Steering Committee's Recommended Policy Position:

Oppose legislation like H. 3017 that prevents coroners from charging a fee for cremation permits.

Hazard Mitigation Cost-Sharing

Hazard mitigation involves long-acting actions to reduce risk and damage in future hazard events. On average, federally funded hazard mitigation saves \$4 to \$6 for every \$1 spent (depends on types of mitigation and type of hazard).

The South Carolina Emergency Management Division (SCEMD) is the state administering entity for the Hazard Mitigation Grant Program (HMGP) funds in South Carolina and currently manages \$165 million in federal pre- and post-disaster mitigation funds. It maintains and uses a grants management system that serves as a repository for grant project documentation and supports review and processing of reimbursements in accordance with federal and state regulations and policy.

Local entities in South Carolina use federal mitigation funds to accomplish high-priority projects with the greatest potential return on investment. However, because many local governments struggle to come up with the non-federal share (25%) for mitigation grants, many high-value potential projects are never submitted for funding.

Hazard mitigation saves money in the long run and funding the non-federal match (25%) with state funds will improve South Carolina communities' resilience when hazards like floods, hurricanes, earthquakes, and severe storms occur in the future.

Doug Bryson, Spartanburg County Director of Emergency Services, requests that SCAC support legislation for mitigation cost share with the following language:

When the President of the United States has declared a major disaster to exist in the state and authorized implementation of the Hazard Mitigation Grant Program (HMGP), matching funds to cover up to 25% in non-federal share of eligible HMGP-funded projects will be provided from state funds. Once the Federal Emergency Management Agency has awarded an HMGP project and authorized federal funding to the state, reimbursement of non-federal share under this subsection will be administered by the South Carolina Emergency Management Division (SCEMD) concurrent with reimbursement of federal share funds and in accordance with HMGP regulations and policy.

Steering Committee's Recommended Policy Position:

Support legislation that addresses mitigation cost share with the following provision: When the President of the United States has declared a major disaster to exist in the state and authorized implementation of the Hazard Mitigation Grant Program (HMGP), matching funds to cover up to 25% in non-federal share of eligible HMGP-funded projects will be provided from state funds. Once the Federal Emergency Management Agency has awarded an HMGP project and authorized federal funding to the state, reimbursement on non-federal share under this subsection will be administered by the South Carolina Emergency

Management Division (SCEMD) concurrent with reimbursement of federal share funds and in accordance with HMGP regulations and policy.

Increasing Emergency Medical Technicians (EMTs)

Many counties, especially rural counties, are dealing with a shortage of trained EMTs. Not only are they dealing with the challenge of losing EMTs to other counties or private entities that pay more after they have made the investment to have them trained, the technical schools and regional EMS training offices are producing less EMTs.

Charles Stewart, Darlington County Administrator, is requesting that SCAC support legislation to create a study committee composed of the various stakeholders to come up with some recommendations of ways to increase the number of EMTs in our state.

Steering Committee's Recommended Policy Position:

Support legislation to provide state reimbursement to counties who have paid tuition assistance for EMT and paramedic training.

Law Enforcement Officer Pay/Training

South Carolina often ranks higher than the national average for violent crime. While there are multiple factors that contribute to this, certainly the lack of law enforcement officers is part of the problem. Increasing the number of officers is also challenging due to the low wages. While there have been efforts to increase officer pay SC ranks 39th out of 50 for police officer salaries.

The Chesterfield County Economic Development Office requests that SCAC support legislation to increase law enforcement officer pay as well as providing more training for officers.

Steering Committee’s Recommended Policy Position:

Support legislation to provide state funding for increase local law enforcement pay and to authorize regional local law enforcement training and certification.

Non-Emergency 911 Calls

Florence County is often receiving calls to their 911 dispatchers that are either non-emergency matters or outright false claims of an emergency. For example, someone called in complaining of a health emergency that resulted in an ambulance being dispatched and transporting the person only for them to get the ER and walk away once they got out of the ambulance. It turns out they were simply using 911 to get an ambulance as a means of transportation. In another example, a parent called 911 because they could not get their child to get out of bed to go to school. These calls waste county resources and there should be some type of penalty to discourage them. Section 16-17-725 provides that is unlawful for a person to knowingly make false complaint to a law enforcement officer concerning the alleged commission of a crime by another, or for a person to knowingly give false information to a rescue squad or fire department concerning the alleged occurrence of a health emergency or fire. A person who violates this provision is guilty of a misdemeanor and, upon conviction, must be fined not more than \$200 or imprisoned for no more than 30 days.

Florence County Administrator Kevin Yokim is requesting that SCAC support legislation similar to §16-17-225 to make it a criminal offense to knowingly make a non-emergency 911 call.

Steering Committee’s Recommended Policy Position:

Support legislation similar to § 16-17-225 to make it a criminal offense to knowingly make a non-emergency 911 call.

2024

**Revenue, Finance and Economic
Development
Steering Committee**



**SOUTH CAROLINA
ASSOCIATION OF COUNTIES**

2024 Revenue, Finance and Economic Development Steering Committee

The responsibilities of the Revenue, Finance and Economic Development Steering Committee include issues relating to the ad valorem tax system, to include assessment, collection, and administrative functions; Local Option Sales Tax and other specific authorizations for local use of sales taxes; business license taxes; service and user fees; franchise fees; State Aid to Subdivisions' Local Government Fund; lease-purchase financing; Fee-in-Lieu-of-Tax Agreements; and economic development incentive programs.

Meeting Dates

Wednesday, September 18, 2024

Wednesday, November 13, 2024

**Jason Phillips, Chairman
Anderson County Treasurer**

Steering Committee Members*

County Representatives:

Marvin Bishop Jr., Cherokee County Administrator
Ben Connell, Kershaw County Council Chairman
Johnny Cribb, Berkeley County Supervisor/Chairman
Willard Dorriety Jr., Florence County Council
Johnny Gardner, Horry County Council Chairman
James E. Haigler, Calhoun County Council Chairman
Dr. Roy T. Hollingsworth Jr., Hampton County Council Chairman
Jessica Mackey, Richland County Council Chairwoman

SCAC Board Members:

Daniel Alexander, Barnwell County Council
C. David Chinnis, Dorchester County Council Vice Chairman
Roy Costner III, Pickens County Council Vice Chairman
Tim Harper, Dillon County Administrator
Charles T. Jennings, McCormick County Council Chairman
Herman G. "Butch" Kirven, Greenville County Council
Debra B. Summers, Lexington County Council
Phillip M. Taylor Sr., Colleton County Vice Chairman

President's Appointees:

Rick Dolan, Lexington County Assessor
A. Watts Huckabee Sr., York County Council
Robert McLean, Anderson County Assessor
James H. Messervy Jr., Dorchester County Auditor
Gary M. Mixon, Sumter County Administrator
Barry Spivey, Horry County Assistant County Administrator
Dr. Anna Maria Tabernik, Beaufort County Council
Brad Valentine, Union County Auditor
Kevin V. Yokim, Florence County Administrator

SCAC Staff Contact: Owen A. McBride

* As of 10/07/2024

2024 Revenue, Finance and Economic Development Steering Committee

General Statement of Policy

The South Carolina Association of Counties is committed to the concept of Home Rule. It is only by allowing the citizens of the state's counties and communities to govern themselves by electing their own local governing bodies, that local communities are able to tailor the governmental services available to each community's individual needs and wishes. An integral part of providing services for the community is the ability to both adequately fund and fund in a fair and balanced manner the services provided.

In the same manner that no two communities want or need the same services or level of services, no two communities need or want the same package of revenue-raising measures. The South Carolina Association of Counties is committed to providing a menu of revenue-raising mechanisms to ensure that local governments can provide the services and levels of service that the citizens demand and expect. By allowing each community a range of revenue-producing mechanisms, each community is better able to fund public services in a manner that is fair and balanced for that particular locality.

The South Carolina Association of Counties believes that no matter what revenue-raising mechanisms are used, the mechanisms must be fair to both the individual taxpayer and the community of taxpayers as a whole. Efficiency, manageability, and stability of the revenue sources used must also be factors in determining the proper method of funding locally-provided services.

Airplane Situs

According to South Carolina law, all aircraft housed in South Carolina are subject to property tax. The Federal Aviation Administration registered address is used to determine the county in which an aircraft is subject to tax. Pursuant to § 12-43-220(f) the statewide assessment ratio on aircraft is 10.5% but many counties have utilized § 12-43-360 to lower this over the years. The lowest assessment ratio allowed by state law is 4%. An issue has arisen over the years where many owners will register their aircraft in one county or even state but maintain a hanger in another county or state where the aircraft may be principally located. This is especially true for airplanes used primarily for business purposes in South Carolina that are owned by out-of-state companies.

Steering Committee’s Recommended Policy Position:

Support legislation to create a situs element for the taxation of aircraft based on the aircraft spending a majority of its time in a South Carolina county and removing the December 31 loophole on aircraft classified as tangible property.

Annual Vehicle Registration Fees

The South Carolina Association of Auditors, Treasurers, and Tax Collectors (SCATT) asks the steering committee to support legislation to amend § 56-3-610 to apply the vehicle registration fees imposed by the Department of Motor Vehicles (DMV) annually as opposed to biennially.

Steering Committee’s Recommended Policy Position:

Support amending § 56-3-610, et seq., to apply an annual vehicle registration fee by the DMV that is revenue neutral and support language requiring all counties to be compliant with the latest version of the County Issuance of Decals and Registration System.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Assessment Ratios

Previous legislative sessions have seen a major push to reduce the assessment ratio on manufacturing and business personal property from 9 and 10.5%, respectively, to 6% and the assessment ratio on second homes and commercial property from 6 to 5%.

Both proposals have ramifications for both property taxpayers and local governments. To the extent that these changes reduce revenue, county and municipal governments would have to find some combination of service cuts and millage rate increases to maintain a balanced budget. Making up the difference caused by assessment ratio changes becomes even more difficult when faced with the millage cap imposed by the General Assembly.

Any increase in the millage rates would shift the tax burden to other classes of tax property, including owner-occupied residences and individual motor vehicles. Thus, the property tax relief programs adopted by the General Assembly in the past several years would be taken away. More likely, because of the millage cap, a reduction in services will become necessary should additional changes in assessment ratios take place.

Steering Committee’s Recommended Policy Position:

Oppose a reduction in the assessment ratio of classes of property that would negatively impact county finances.

Auditor and Treasurer Qualifications

SCATT requests SCAC support legislation to require certain qualifications for the office of county auditor and county treasurer. These qualifications for office include:

- (A) a four-year bachelor's degree from an accredited post-secondary institution; or
- (B) at least five years of experience as an employee in the auditor or treasurer’s office in this state;
or
- (C) at least 10 years of experience in the fields of law, finance, or accounting.

SCATT would also like the legislation to include a training requirement for auditors and treasurers to complete once elected or appointed. The auditor or treasurer would be required to attend a 40-hour training session that the Department of Revenue establishes and failure to complete the courses would result in the auditor or treasurer forfeiting \$5,000 of their state salary supplement each year for failure to complete the training.

Steering Committee’s Recommended Policy Position:

Support legislation to require certain qualifications for the office of county auditor and county treasurer. These qualifications for office include:

- (A) a four-year bachelor’s degree from an accredited post-secondary institution; or**
- (B) at least five years of experience as an employee in the county auditor, treasurer, or finance office in this state; or**
- (C) at least 10 years of experience in the fields of law, finance, or accounting.**

Also support requiring that an auditor or treasurer attend a 40-hour training session that the Department of Revenue establishes. Failure to complete the course would

result in the auditor or treasurer forfeiting \$5,000 of their state salary supplement each year until the course is completed.

Capital Project Sales Tax Committee

Under § 4-10-320, the governing body of a county is authorized to create a commission of six members to consider proposals for funding capital projects and to formulate the referendum question that is to appear on the ballot. The commission must be made up of three members appointed by the county and three members appointed by municipalities within the county. This often leads to the lack of a majority on project decisions and the content of the referendum. Kevin Yokim, Florence County Administrator, requests that the steering committee support legislation to amend the composition of the Capital Project Sales Tax Committee to increase the number of county representatives on the committee to ensure that counties acquire a majority of the votes on the committee.

Steering Committee’s Recommended Policy Position:

Support legislation to amend the composition of the Capital Project Sales Tax Committee to increase the number of representatives from six to seven and to provide that the seventh member be appointed by county council from a municipality not otherwise represented on the Committee.

Childcare Tax Credits/Incentives

Childcare costs across the United States have risen dramatically over the years. While this may not seem like a local government issue at first glance, lack of affordable childcare can be a driving factor in a business’s decision not to locate to a particular county. Claiborne Linvill, Pickens County Council Member, requests that the steering committee support legislation allowing for property tax incentives to new childcare businesses. To achieve this, Council Member Linvill suggests that the state adjust the threshold requirements to receive certain tax credits or fee-in-lieu-of-taxes. These include but are not limited to jobs created and the amount of capital investment.

Steering Committee’s Recommended Policy Position:

Support statewide incentives for childcare centers and oppose unnecessary regulations disincentivizing the operation of childcare centers.

Class Action Lawsuits

Section 12-60-80 of the S.C. Code lacks clarity as to whether or not taxpayers in South Carolina are able to file class action lawsuits against taxing authorities for the refund of taxes. Bradley Farrar, Aiken County Attorney, requests the steering committee support legislation affirming that class action lawsuits against taxing authorities in the state for the refund of taxes are prohibited.

Steering Committee's Recommended Policy Position:

Support legislation affirming that class action lawsuits against taxing authorities in the state are prohibited.

Condemnation Notification

The current condemnation statute does not require that the condemner notify the county tax assessor of each condemnation. As a result, assessors are unaware of the need to remove the property from the tax record unless the parties reach an agreement and a deed is filed, which does trigger notification. This can lead to all types of confusion and problems down the line for the assessor and treasurer offices. Johnathan Bryan, Sumter County Attorney, requests that the steering committee support legislation to require notification to the county tax assessor when property is condemned.

Steering Committee's Recommended Policy Position:

Support legislation to require notification to the county tax assessor when property is condemned.

County Insurance Premium Taxes and Franchise Fees

Municipalities in South Carolina have the authority to impose taxes on insurance premiums, grant franchises and charge for those franchises. Section 38-7-160 allows municipalities to impose insurance premium taxes. Counties do not have this authority. Article VIII, Section 15 of the SC Constitution and § 4-9-30(11) provide counties with the authority to grant franchises in general, but exempt counties' ability to grant them or impose charges for telephone, telegraph, gas and electric utilities, or suppliers, or utilities owned and operated by a municipality. Municipalities have the authority to grant franchises for all of these activities in the Constitution and in § 5-7-30.

Barry Spivey, Horry County Assistant County Administrator, requests the committee to support legislation allowing counties the same authority as municipalities in imposing both insurance premium taxes and franchise fees in the unincorporated areas of the county.

Steering Committee's Recommended Policy Position:

Support legislation allowing counties the same authority as municipalities in imposing both insurance premium taxes and franchise fees in the unincorporated areas of the county.

Delinquent Tax Sales Online

SCATT asks the committee to support legislation to allow counties to conduct delinquent tax sales online. Section 12-51-50 currently allows the person officially charged with delinquent tax collection to sell the property at public auction at the courthouse or other convenient place within the county. The statute requires all advertising requirements to be met prior to the sale. Horry County would like to see the section amended to give the official responsible for delinquent tax collection the option of conducting tax sales online.

Steering Committee's Recommended Policy Position:

Support legislation to allow counties to conduct delinquent tax sales online.

Department of Revenue Disputes

Bradley Farrar, Aiken County Attorney, requests that the steering committee support legislation to confirm that the Revenue Procedures Act governs disputes with local government taxing and fee-imposing authorities for such things as property taxes and road maintenance or other fees or uniform service charges. As a result, these disputes would be brought to the Administrative Law Court. Mr. Farrar also requests that the steering committee support legislation to provide that the Administrative Law Court may not stay or prevent a political subdivision charged with the duty in the collection of taxes, from acting to collect a tax, whether the tax is legally due or not.

Steering Committee’s Recommended Policy Position:

Support legislation to confirm that the Revenue Procedures Act governs disputes with local government taxing and fee-imposing authorities for such things as property taxes and road maintenance or other fees or uniform service charges. Also, support legislation prohibiting the Administrative Law Court from staying or preventing a political subdivision charged with the duty in the collection of taxes, from acting to collect a tax, whether the tax is legally due or not.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Farm Structures Tax Exemption Relief

Act 236 of 2022 included a provision adding “all farm buildings and agricultural structures owned by a producer in this State used to house livestock, poultry, crops, farm equipment, or farm supplies” to the list of exemptions from property taxes provided for in § 12-37-220(B)(14). SCAC anticipates potential legislation that would help alleviate the financial burden that this provision in Act 236 of 2022 placed on counties.

Steering Committee’s Recommended Policy Position:

Support legislation that would help alleviate the financial burden that the farm exemption in Act 236 of 2022 placed on counties. Such legislation should define who qualifies as a producer in § 12-37-220(B)(14) and ensure that producers file a Schedule F with their federal income tax return to report income and expenses of their farming business.

Homestead Exemption

SCATT requests SCAC support legislation to require that a qualifying dwelling for purposes of the homestead exemption also meet all requirements for the 4% special assessment ratio and be receiving the 4% special assessment ratio. Also, the \$50,000 threshold for the 4% special assessment ratio provided by the homestead exemption has been in place for years. Each year there are bills filed to increase the threshold, but no bills have passed yet.

Steering Committee’s Recommended Policy Position:

Support legislation to increase the current \$50,000 threshold if the outcome is revenue neutral for counties. Also, support legislation to require that a qualifying dwelling for purposes of the homestead exemption also meet all requirements for the 4% special assessment ratio and be receiving the 4% special assessment ratio.

Impact Fees

Sections 6-1-910 through 6-1-2010 of the Code are the Development Impact Fee Act. The statutes contain the restrictions and procedures involved in adopting, implementing, and administering a development impact fee. Currently, the impact fee statutes place cumbersome requirements on local governments which often make it cost prohibitive to explore the possibility of implementing an impact fee. Before an impact fee ordinance may be adopted, a governmental entity must have adopted a comprehensive plan or a capital improvements plan which complies with § 6-1-960(B). Additionally, a governmental entity must prepare a report that estimates the effect of recovering capital costs through impact fees on the availability of affordable housing within the political jurisdiction of the governmental entity.

Prior to adoption of an impact fee, the governing body must enact a resolution directing the local planning commission to conduct a study and recommend an impact fee ordinance. Upon receipt of this resolution, the local planning commission has to prepare and adopt its recommendation in the same manner used in the development of recommendations for a comprehensive plan. The ordinance imposing the impact fee must be approved by a positive majority.

In order to help offset the economic impact of growth, Michael Vaughn, Chester County Councilman, has asked the steering committee to support legislation allowing South Carolina counties to make impact fees easier to impose and administer.

Steering Committee’s Recommended Policy Position:

Support legislation allowing South Carolina counties to broaden the allowable scope of impact fees, and to make them more flexible and easier to impose and administer.

Legal Residence for Foreign Nationals

Kevin Yokim, Florence County Administrator, asks the steering committee to support legislation to require a foreign national to have a permanent residence card to qualify for the 4% assessment ratio.

Current law is not clear as it relates to foreign nationals applying for legal residence which leads to increased confusion and litigation.

Steering Committee’s Recommended Policy Position:

Support legislation to clarify who qualifies for the 4% assessment ratio when it comes to foreign nationals and legal residency.

License Plates

Kevin Yokim, Florence County Administrator, requests that the steering committee support legislation to require the DMV to put the name of the county where a vehicle is registered on license plates.

Steering Committee’s Recommended Policy Position:

Support legislation to require the name of the county where a vehicle is registered to be placed on license plates issued by the DMV.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Local Government Fund

The Local Government Fund (LGF) is likely the oldest example of state-shared revenue intended as property tax relief. Prior to the adoption of the Home Rule Act, the legislative delegations produced the county budget, or supply bill. When property tax rates across the state began to get high or new services were being adopted across the state, a portion of an existing state tax or some increment of a new tax would be earmarked for “aid to subdivisions.” Later, when the various earmarked revenue sources became increasingly difficult to predict, those sources of revenue were converted into a percentage of the State General Fund and the resulting money was called the LGF. The old statutory formula required the LGF be funded at 4.5 percent of the State General Fund.

Act 84 of 2019 enacted a new formula for the LGF that mirrored the policy position taken by this steering committee last year. Under the new formula, in any fiscal year in which state general fund revenues are projected to increase or decrease, the appropriation to the LGF for the upcoming fiscal year must be adjusted by the same projected percentage change, but not to exceed five percent.

Steering Committee’s Recommended Policy Position:

Support the current Local Government Fund formula with a yearly increase in the fund corresponding with the growth in the State General Fund, up to 5 percent.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Local Option Infrastructure Funding Limitations

Several chapters within the South Carolina Code of Laws give counties the authority to impose local sales and use taxes. These penny taxes are subject to a referendum vote and there are tight restrictions on how the revenue can be spent. Perhaps most constraining are the restrictions on how many pennies can be imposed at one time and even on which taxes can be “stacked” on other local taxes.

Steering Committee’s Recommended Policy Position:

Support legislation to amend the Code to allow for the imposition of local school taxes enacted by the General Assembly, a Local Transportation Tax, and any other penny tax enacted pursuant to Title 4 Chapter 10, or a combination of any of the above.

Local Public-Private Partnership

South Carolina law currently does not provide counties sufficient tools to enter into partnership agreements with private entities for the benefit of its citizens. Previous legislation has been introduced to give counties authority to enter into these agreements. Jesica Mackey, Richland County Council Chair, requests this committee support legislation to provide tools to counties to enter into private partnerships agreements.

Steering Committee’s Recommended Policy Position:

Support legislation to provide tools to counties to enter into public-private partnership agreements.

Local Sales Tax Flexibility

Steffanie Dorn, Greenwood County Treasurer, requests that the steering committee support legislation to provide flexibility to counties in the imposition of a Capital Project Sales Tax (CPST). Specifically, Mrs. Dorn would like the steering committee to support legislation to extend the list of allowable uses of CPST revenue for purchasing capital assets such as fire trucks, street and sanitation equipment, etc. Although § 4-10-330 allows for the purchase of new equipment, this is limited to equipment associated with the construction of new buildings. There have also been discussions regarding potential legislation that would extend the imposition time of the Capital Project Sales tax for up to 12 years.

Steering Committee's Recommended Policy Position:

- (1) Support legislation to extend the list of allowable uses of Capital Project Sales Tax revenue for purchasing capital assets such as fire trucks, street and sanitation equipment, etc.;**
- (2) Support amending the definition of transportation facilities set out in § 4-37-30(A)(1)(a)(i) to match the definition set out in the bipartisan infrastructure law what was passed by Congress in 2021 to allow for the revenue of a local Transportation Sales Tax to be used for a broader range of projects; and**
- (3) Support legislation to extend the imposition time of the Capital Project Sales Tax to up to 12 years.**

LOST Plus Educational Penny

Section 4-10-470(B)(4) of the S.C. Code states that “[n]otwithstanding any other provision of law, if, within a county there is imposed the Education Capital Improvement Sales and Use Tax pursuant to this section, then no other local sales tax may be imposed in that county if the subsequent imposition causes the total sales tax to exceed two % in any portion of the county.” This provision precludes counties from raising money for an underfunded educational system that is often considered to be failing the children of this state.

Horry County Council Member Cam Crawford requests that the steering committee support legislation repealing or amending the Code to allow for the imposition of a Local Option Sales Tax in addition to an Educational Sales tax, regardless of the amount of each tax.

Steering Committee’s Recommended Policy Position:

Support legislation repealing or amending the Code to allow for the imposition of a Local Option Sales Tax in addition to an Educational Sales Tax, regardless of the amount of each tax.

Low Income Reporting Requirements

Section 12-37-220(B)(11)(e) of the S.C. Code provides a property tax exemption for “all property of nonprofit housing corporations or instrumentalities of these corporations when the property is devoted to providing housing to low or very low-income residents” as long as the corporation or its instrumentality satisfies the safe harbor provisions of Revenue Procedure 96-32. These provisions contain income and rent requirements upon acquiring the property. There is nothing in statute that requires property owners to annually report that they continue to meet the qualifications in subsequent years after they acquire the property. Per the statute, the exemption is ongoing unless there is a change in ownership or a change in status that is reported to the Department of Revenue by the taxpayer, residents, concerned citizens or county representatives.

David Chinnis, Vice-Chair of Dorchester County Council, is concerned that owners of highly valuable property may be taking advantage of this and are paying no property taxes on properties that have a very high tax value. He hereby requests that the steering committee support legislation requiring yearly reporting by the property owner in order to continue to receive the above property tax exemption.

Steering Committee’s Recommended Policy Position:

Support legislation requiring yearly reporting by property owners qualifying for the property tax exemption in § 12-37-220(B)(11)(e) of the Code in order to continue to receive the exemption.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Magistrates’ Salaries

Section 22-8-40 provides the amount magistrates are to be paid by county governments and the salary supplements for Chief Magistrates. Currently, magistrates’ salaries are based on years of service, education requirements, and the population of the counties in which they serve. In counties with a population greater than 150,000, a magistrate is paid 55% of a circuit judge’s salary. In counties with

a population range of 50,000 to 150,000, a magistrate is paid 45% of a circuit judge’s salary. In counties with a population less than 50,000, a magistrate is paid 35% of a circuit judge’s salary.

Legislation has previously been introduced to provide that all magistrates be paid a base salary of 55% of a circuit judge’s salary regardless of the size of the county. The bills also increased the salary supplements for full-time chief magistrates from \$3,000 to \$10,000, part-time chief magistrates from \$1,500 to \$5,000 and created two new salary supplements of \$5,000 and \$2,500 for full-time and part-time associate chief magistrates, respectively. The bills imposed a \$15 assessment on all civil filings in magistrate’s court to fund the increase. The legislation also required the South Carolina Court Administration to monitor counties’ compliance with funding these positions and to report to the legislature by January 20, any noncompliance. Other legislation has been introduced to increase all judges’ salaries, which would increase magistrate salaries with no state funding provided.

Steering Committee’s Recommended Policy Position:

Support increasing magistrates’ salaries as long as the legislation doing so is revenue positive and the salaries remain decoupled from circuit judges’ salaries.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Masters in Equity Judicial Retirement

SCAC staff anticipates the Masters in Equity requesting legislation allowing them to participate in the Judges and Solicitors Retirement System (JSRS). As a result, counties with Masters in Equity would be contributing sponsors of the plan and would share the cost and financial risk with the state. With the current unfunded accrued liability of JSRS over \$240 million and the funded ratio of the System having decreased significantly, there would be a significant fiscal impact on counties if such legislation were to be enacted.

Steering Committee’s Recommended Policy Position:

Oppose legislation allowing Masters in Equity to participate in the Judges and Solicitors Retirement System (JSRS) as a result of the increased financial burden this would place on counties.

Mental Health Funding

South Carolina, like most other states, is currently facing a concerning mental health crisis. While the General Assembly has put money in the budget for mental health programs, the problem currently facing all levels of government in South Carolina is not going to be fixed through modest appropriations in the budgets. Mental health crises are also placing a financial strain on county governments. EMS, Sheriffs, 911 Operators, jails, and even county employees are on the front line dealing with the mentally ill on a daily basis. Michael Vaughn, Chester County Councilman, requests that the steering committee support legislation to increase the amount of state revenue going to increase mental health awareness and to repair the state's mental healthcare system.

Steering Committee's Recommended Policy Position:

Support legislation to increase the amount of state revenue going to increase mental health awareness and to repair the state's mental healthcare system.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Municipal Capital Projects Sales Tax

The Municipal Association of South Carolina (MASC) continues to push for legislation that would allow municipalities to enact a capital project sales tax only within the boundaries of the enacting city for purely municipal projects. The county and other municipalities would have no input in this process.

There are several problems inherent in this proposal:

- Cities participate in deciding which projects are funded by the countywide sales tax, but no provision is made for county projects or participation in the municipal proposal.
- Unincorporated area residents who would pay sales tax get no vote on the municipal capital projects sales tax.
- If a municipal sales tax were adopted, there would be very little likelihood of getting a countywide sales tax until that municipal tax phased out. This could effectively preclude the unincorporated areas of the county from getting needed infrastructure.

SCAC staff anticipates legislation could be filed to create a Municipal Capital Project Sales Tax.

Steering Committee's Recommended Policy Position:

Oppose legislation creating a Municipal Capital Project Sales Tax.

Online Public Notice

There are several instances throughout the code requiring notice to the public of a public hearing before an action can be taken by a political subdivision. In each of these instances, the political subdivision is required to advertise the public hearing in at least one South Carolina newspaper of general circulation in the area. With almost all newspapers offering online reading and the decreasing demand for printed publications, Kevin Yokim, Florence County Administrator, requests the steering committee support legislation allowing for online publications to meet the requirement for public notice.

Steering Committee's Recommended Policy Position:

Support legislation allowing for online publications to meet the requirement for public notice.

Out-of-State License Tags

SCATT asks the committee to support legislation to ensure that nonresidents pay their property taxes upon establishing a domicile in this state or operating a vehicle for more than 150 days in South Carolina. The legislation is intended to prevent persons from living in South Carolina but registering in another state, thus evading the property taxes due on the automobile.

Steering Committee's Recommended Policy Position:

Support legislation to ensure that nonresidents pay their property taxes upon establishing a domicile in this state or operating a vehicle for more than 150 days in South Carolina, except for active-duty military.

Protection of Delinquent Taxpayers

Under Section 12-51-130 of the Code, the seller of property at a tax sale is entitled to any overage if the tax sale of an item produces more cash than the full amount due. However, due to inadequate

protections in the Code, opportunists are able to purchase delinquent property at the last moment and claim the overage without informing the seller that there is an overage. The sellers are also vulnerable to scams such as overage “finders” where oftentimes non-attorneys act on behalf of the sellers and charge the sellers to collect the overage and people using quitclaim “jackpot” deeds to take advantage of desperate property owners who are unaware that they are entitled to the overage.

Bradley Farrar, Aiken County Attorney, requests that the committee support legislation to protect delinquent taxpayers. Such measures should include:

- (1) requiring the seller to sign a statement stating that they are the owner of record and have been advised of their rights and entitlements with respect to any overages upon the sale of their property and that they have been made aware of their right to appeal;
- (2) allowing a public body to exempt from disclosure the identity of anyone who bids at a delinquent tax sale, unless the bidder consents in writing, until the expiration of the redemption period or until the successful bidder has received a tax title; and
- (3) defining the assistance in the collection of a tax sale overage as the practice of law in South Carolina.

Steering Committee’s Recommended Policy Position:

- (1) Support legislation to amend § 12-51-130 to require a statement signed by the owner of record immediately before the end of the redemption period acknowledging that the owner has been advised that they are entitled to claim any tax sale overage.**
- (2) Support legislation to add § 30-4-40 (20) allowing a public body to exempt from disclosure the identity or personal identifying information of anyone who bids at a delinquent tax sale unless the bidder consents in writing to the release of such information in a manner satisfactory to the delinquent tax collector who conducted or was responsible for overseeing the conduct of the sale where the bidder’s information was obtained; provided, however, that upon the expiration of the redemption period, the identity of the successful bidder of the sale at issue shall be subject to release.**
- (3) Support legislation to add § 40-5-400 to clarify that any assistance offered or provided for a fee, consideration, or compensation to anyone in the collection of a tax sale overage shall constitute the practice of law; and**
- (4) Oppose legislation requiring the clerk of court or register of deeds to require an affidavit from a delinquent taxpayer stating the amount, if any, of overage generated by a tax sale and acknowledging that the grantor has either received the overage or has at least been advised of the overage.**

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Public Deposits in Credit Unions

Public deposits are public funds deposited in a financial institution by the treasurer of a state or local government, or any agency thereof. State and local governments deposit billions of dollars in financial institutions, primarily in banks. Credit unions want the ability to accept these deposits; however, some state credit union acts don't allow credit unions to accept public deposits, and some state laws preclude government entities from depositing funds in credit unions.

Advocates of public deposits for credit unions have asserted that credit unions carry similar levels of deposit insurance as banks; credit unions often pay higher interest rates on deposits than banks; state and local governments want and can benefit from a choice of where they deposit their funds; allowing credit unions to accept public deposits is in the public interest because it could spur competition and lead to higher earnings for public entities.

Credit unions routinely provide depositors and borrowers with substantially and sustainably more attractive interest rates (i.e., respectively higher and lower) than commercial banks. Additionally, allowing credit unions to accept public funds could reduce deposit risk for state treasurers by spreading the risk of such deposits over a greater number of financial institutions.

The benefits of allowing public entities to deposit funds in credit unions include more than just better interest rates. There are many very small communities in the United States without a commercial bank, where a credit union is present. For public entities in these communities, the ability to deposit funds in the local credit union is of significant value. Since many of these communities are also low-income areas with special economic challenges, much of the cost of the inefficient public policy of restricting credit unions from participating in the public deposit market falls on those least able to afford it. Currently there are 25 states that have laws that expressly permit state-chartered credit unions to accept public funds. SCAC staff anticipates legislation will be introduced to allow local governments to use credit unions for public deposits.

Steering Committee's Recommended Policy Position:

Support legislation to allow local governments to use credit unions for public deposits.

Public Hearing Prior to Referendum

Section 4-37-30(A)(2) requires that, upon receipt of an ordinance for a county to impose a sales and use tax for transportation projects, the Election Commission shall conduct a referendum. After the

Election Commission publishes the date and purpose of the referendum, this section also requires a public hearing to be conducted “at least fourteen days before the referendum after publication of a notice setting forth the date, time, and location of the public hearing.” It is unclear from this language whether the governing body of the county or the Election Commission is required to conduct the hearing. It is also unclear why this requirement is necessary since the ordinance and referendum have already been approved and the notice of the referendum has already been published by the Election Commission.

Steering Committee’s Recommended Policy Position:

Support legislation to remove the public hearing that is currently required to be conducted prior to a referendum for a local transportation sales and use tax under Section 4-37-30.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Return to Work

For the last several years, the state budget has contained provisos removing the earnings limitation for the South Carolina Retirement System and the Police Officers’ Retirement System for certain retired employees to return to work. These provisos have also reduced the amount of time that an employee must be separated from employment before they can return to work. If legislation is filed again in 2025, it will likely include language relating to return to work earning limitations as well as language affecting the time period an employee must remain out of work before they can return to work.

Steering Committee’s Recommended Policy Position:

Support legislation removing the \$10,000 earnings limitation and reducing the time an employee must remain out of work before they can return to work.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Short Term Rentals

Section 6-1-500, et al. provides that if a county imposes a local accommodations tax by ordinance, then the tax is imposed on every person engaged in the business of furnishing accommodations to transients for consideration. In recent years, several apps and websites have been developed to allow private residences to be posted online to be rented to transients for consideration. These rentals fall under the requirements of the local accommodations tax, but many of these property owners are failing to remit the tax. Additionally, the hosting sites, e.g., Airbnb, home away, Vrbo, etc. are refusing to collect the local taxes and remit them to the appropriate taxing authority. Staff anticipates several bills being filed in 2025 to address short-term rentals and counties' ability to collect local accommodations tax revenue from these properties.

Steering Committee's Recommended Policy Position:

Support legislation requiring the remittance of local accommodations taxes on short term rentals to counties.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

South Carolina Retirement System

County governments and their employees have participated in the state retirement system since its inception. The enabling act (Act No. 157 of 1945) creating the SCRS allowed for the inclusion of county governments as employers and their employees as participants in the system upon application to the Retirement Board. Similarly, Act No. 799 of 1962 allowed any county to become an employer under the PORS upon applying to the board and a majority vote of all persons employed as police officers by the county. County government participation in SCRS and PORS has enabled South Carolina counties and sheriffs to hire and retain excellent employees and deputies. It is important to all counties of this state that the retirement systems remain financially strong and attractive to current and future employees.

Like the General Assembly, county budgets have been significantly impacted by the failure of the system to meet the assumed rate of return on investments. Seventy-one % of the participating employers in SCRS are comprised of cities, counties and other local subdivisions of government. These entities employ 28% (53,532) of the active members of the system.

The statutorily mandated increases in employer and employee contribution rates have hit county governments hard. County government's ability to raise revenue is severely limited. To a large degree, counties must rely on property taxes for general operating revenue. This stream of revenue is restricted by the millage cap contained in §6-1-320 (population plus CPI.) Other sources of revenue have either been limited by the General Assembly (Local Government Fund) or are limited by use (for instance the Capital Projects Sales tax, or state grants.) The instability of the retirement system requires a greater allocation of property tax revenue to employee benefits, which reduces the ability for counties to improve the services they want to provide to their citizens. Additionally, static salaries combined with increasing employee retirement contributions make it difficult to hire and retain employees, also leading to a reduction in county service packages.

Steering Committee's Recommended Policy Position:

SCAC understands the dilemma facing the state with regards to the unfunded liability of the retirement system; however, any fundamental change to the system must not affect promises made to current employees and retirees in the existing state pension system. SCAC supports having county government be involved in the administration of any new system. If the state decides to go to a defined contribution plan, SCAC supports county governments being allowed to develop and operate their own independent defined contribution plan.

Tiny Homes

There appears to be a sizable increase in the purchase and movement of "Tiny Homes" into South Carolina. These small living structures are appearing on vacant lots, in backyards, and some Tiny Home communities are being developed.

Unfortunately, there is no general consensus on how to regulate these structures, nor on how they can be, or should be taxed. The industry appears to be marketed as a method to avoid regulation and evade taxation. Recently, the International Building Code published an appendix regarding standards for Tiny Homes. However, if the home is on wheels, does it need to meet that standard, or the standard for manufactured or mobile homes?

There is no statewide consistency in how to tax, what construction standards need to be met, and how to inspect Tiny Homes. Lexington County asks that SCAC support legislation that would standardize the treatment of Tiny Homes for taxation, inspection, and code enforcement.

Steering Committee’s Recommended Policy Position:

Support legislation that would standardize the treatment of tiny homes for taxation, inspection, and code enforcement.

Titling of Boats and Motors

Under current law, all motorized boats and watercraft and all outboard motors five horsepower and greater are required to be titled separately. Last year there was an attempt in the Senate to amend this section to require titling of boats only. This would likely cost counties revenue, as the motor of a boat is often as expensive if not more expensive than the boat itself. Motors also can be purchased aftermarket or transferred between watercrafts without the county’s awareness, thereby hiding the true value of the boat from the taxing authority. SCATT has requested that the steering committee oppose any legislation that would title boats and motors together in a way that would negatively impact county finances.

Steering Committee’s Recommended Policy Position:

Oppose legislation that would title boats and motors together in a way that would negatively impact county finances.

The following issue is likely to arise in the next session of the General Assembly and is not raised by any specific group or county.

Tort Claims Act

In the past there have been several attempts to increase the limits on damages that can be recovered from governmental entities pursuant to the South Carolina Tort Claims Act (TCA), § 15-78-10, et seq. The TCA was enacted in 1986 and waived sovereign immunity from certain torts committed by governmental entities. In the findings of the Act, § 15-78-20, the General Assembly noted that while total immunity wasn’t desirable, damages owed by tortious governmental actors should be limited because the government must act for the public good. There are also the stringent financial limitations of government entities, and ultimately of taxpayers, which necessitate restrictions on damages owed. When the TCA was enacted, the limits were set at \$250,000 per individual claim and \$500,000 per occurrence. In 1988 the TCA was amended to provide a \$1 million limit for medical malpractice committed by a physician or dentist employed by a government entity. In a 1997 State Budget Part II proviso these limits were increased to \$300,000, \$600,000, and \$1.2 million, respectively. There have been several attempts over the years to further increase the limits

with the several bills being introduced to increase the limits from \$300,000 to \$500,000 per individual and from \$600,000 to \$1 million per occurrence. SCAC has been successful in slowing down the bill, but the issue is likely to come up again in the upcoming session. If the limits found in the TCA were increased as proposed by the most recent bill, then that would drastically increase insurance costs for counties and could possibly force county government out of some areas in which it currently provides services.

Steering Committee’s Recommended Policy Position:

Although SCAC believes the current tort claims limits are appropriate, SCAC staff will monitor any amendments and ensure county interests are protected to the greatest extent possible.

Volunteer Firefighter Retirement

Florence County would like the steering committee to support legislation to provide retirement benefits to volunteer firefighters. Full time firefighters were added to the Police Officers’ Retirement System a few years ago, and while adding volunteers to PORS would create a significant financial burden on counties, there may be other retirement benefits that the state could offer volunteer firefighters. North Carolina offers volunteer firefighters a small pension, as well as other benefits such as a lifetime hunting license. With a shortage of volunteer firefighters across the state, incentives such as these could help counties recruit and retain volunteers.

Steering Committee’s Recommended Policy Position:

Support statewide incentives for volunteer firefighters, including but not limited to, retirement benefits.



Advocate. Educate. Collaborate.

SCAC has a strong resume

As members of the SC Association of Counties, all 46 counties, elected officials and employees have access to SCAC's programs and services. Here are some of our offerings designed to build connections, share information, and help counties to better serve their citizens.

ADVOCATE for county government

- Monitor legislation moving through the SC General Assembly
- Publish weekly updates during the session via the *Friday Report*
- Send Legislative Alerts when bills require immediate action
- Provide Legislative session wrap-ups and the annual *Acts that Affect Counties* publication
- Work through the county attorney to resolve legal issues that affect county government operations

COLLABORATE to assist counties

- SC Counties Workers' Compensation and Property & Liability Trusts
- Setoff Debt Program
- Competitive purchasing discounts
- Online Career Center



EDUCATE and build knowledge

- Host conferences including:
 - Annual Conference in August
 - Fall Advocacy Meeting in October
 - Legislative Conference in December
 - Counties Connect: A Legislative Action Day in late winter
- Present the Institute of Government for County Officials – a certificate program with classes offered several times a year
- Offer the Local Government Attorneys' Institute—an annual source for CLE credits
- Provide Orientation for Newly Elected Council Members—held in even-numbered years
- Produce training for planning and zoning officials
- Conduct research and offer technical assistance
 - *Property Tax Report*—published annually
 - *Wage and Salary Report*—published every other year
 - Technical research bulletins and surveys
 - Online forum discussions for county officials
- Host our Annual Awards program showcasing counties' successes
- Communicate regularly through:
 - The monthly *County COMPASS* email newsletter;
 - Our quarterly *County Focus* magazine;
 - Social media channels; and
 - The SC Counties events app

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**SOUTH CAROLINA
ASSOCIATION OF COUNTIES**

P.O. Box 8207
1919 Thurmond Mall
Columbia, SC 29202

(803) 252-7255
1-800-922-6081
E-mail: scac@scac.sc