**South Carolina General Assembly**

126th Session, 2025-2026

**H. 4296**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Mitchell, Gilliam, Yow and T. Moore

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Introduced in the House on April 3, 2025

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Summary: Military Code

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[04/03/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/4296_20250403.docx)

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Introduced

April 3, 2025

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Introduced by Reps. Mitchell, Gilliam, Yow and T. Moore

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Read the first time April 3, 2025

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 25‑1‑90, RELATING TO SERVICE WITHIN THE STATE OF MILITARY FORCES FROM ANOTHER STATE, SO AS TO REMOVE A REFERENCE TO THE UNITED STATES ARMY; BY AMENDING SECTION 25‑1‑510, RELATING TO SOUTH CAROLINA NATIONAL GUARD APPOINTMENTS, SO AS TO REMOVE CERTAIN AGE REQUIREMENTS; BY AMENDING SECTION 25‑1‑1330, RELATING TO ANNUAL SETTLEMENTS FOR FEDERAL AND STATE PROPERTY, SO AS TO REMOVE REFERENCES TO FEDERAL PROPERTY; BY AMENDING SECTION 25‑1‑1370, RELATING TO ALLOWANCES FOR MAINTENANCE, SO AS TO REMOVE A REQUIREMENT THAT UNITS ARE ENTITLED TO CERTAIN MAINTENANCE FUND ALLOWANCES; BY AMENDING SECTION 42‑7‑40, RELATING TO APPLICATION TO THE STATE, SO AS TO PROVIDE FOR OTHER PERSONS CALLED INTO ACTIVE MILITARY SERVICE; BY AMENDING SECTION 42‑7‑65, RELATING TO AVERAGE WEEKLY WAGES DESIGNATED FOR CERTAIN CATEGORIES OF EMPLOYEES, SO AS TO PROVIDE FOR OTHER PERSONS CALLED INTO ACTIVE MILITARY SERVICE; BY AMENDING SECTION 42‑7‑75, RELATING TO STATE AGENCIES’ REQUIREMENT TO PAY WORKERS’ COMPENSATION PREMIUMS, SO AS TO PROVIDE THAT THE ADJUTANT GENERAL MAY USE CERTAIN METHODS FOR PAYING WORKERS’ COMPENSATION PREMIUMS IN CERTAIN CASES; BY REPEALING SECTION 25‑1‑360 RELATING TO RULES AND REGULATIONS; BY REPEALING SECTION 25‑1‑380 RELATING TO THE ASSISTANT ADJUTANT GENERAL FOR ARMY; BY REPEALING SECTION 25‑1‑390 RELATING TO THE ASSISTANT ADJUTANT GENERAL FOR AIR; BY REPEALING SECTION 25‑1‑410 RELATING TO AUDITS AND ALLOWANCES OF DEPARTMENT EXPENSES; BY REPEALING SECTION 25‑1‑560 RELATING TO PUBLICATIONS OF RELATIVE RANK LIST OF OFFICERS; BY REPEALING SECTION 25‑1‑580 RELATING TO OFFICERS IN COMMAND OF SUBORDINATE OR DETACHED UNITS OR DIFFERENT UNITS ON DUTY TOGETHER; BY REPEALING SECTION 25‑1‑810 RELATING TO PROMOTIONS UNDER THE FEDERAL PERSONNEL ACT; BY REPEALING SECTION 25‑1‑830 RELATING TO OFFICER SELECTION BOARDS; BY REPEALING SECTION 25‑1‑860 RELATING TO VACANCIES IN STAFF OF HEADQUARTERS AND HEADQUARTERS DETACHMENT; BY REPEALING SECTION 25‑1‑870 RELATING TO VACANCIES IN GRADE OF MAJOR GENERAL; BY REPEALING SECTION 25‑1‑880 RELATING TO VACANCIES IN GRADE OF BRIGADIER GENERAL; BY REPEALING SECTION 25‑1‑890 RELATING TO VACANCIES IN GRADE OF COLONEL; BY REPEALING SECTION 25‑1‑930 RELATING TO VACANCIES IN GRADE OF WARRANT OFFICER; BY REPEALING SECTION 25‑1‑1350 RELATING TO REQUIREMENTS FOR SHARING IN APPROPRIATIONS; AND BY REPEALING SECTION 25‑1‑3105 RELATING TO MEMBERS OF THE MILITARY FORCES TO SERVE AT THE PLEASURE OF THE ADJUTANT GENERAL.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 25‑1‑90 of the S.C. Code is amended to read:

Section 25‑1‑90. No armed military force from another state, territory or district shall be permitted to enter the State for the purpose of doing military duty therein without the permission of the Governor, unless such force is part of the United States Army or is acting under the authority of the United States Government.

SECTION 2. Section 25‑1‑510 of the S.C. Code is amended to read:

Section 25‑1‑510. All commissioned and warrant officers of the South Carolina National Guard shall be appointed and commissioned or warranted by the Governor. No person must be appointed and commissioned or warranted unless he is a citizen of the United States and meets federal residency requirements for the appointment. His age shall conform to the age requirements as set forth in the regulations issued by the National Guard Bureau and that are in effect at the time of appointment. Every commissioned or warrant officer must hold office under his commission or warrant until he has been regularly appointed and commissioned or warranted to another grade or office or until he has been regularly retired, discharged, dismissed, or placed in an inactive status.

SECTION 3. Section 25‑1‑1330 of the S.C. Code is amended to read:

Section 25‑1‑1330. (a) Federal property.‑The Adjutant General shall coordinate with the USPFO to audit and effect annual settlements with responsible officers having federal property accounts. The USPFO shall cause the responsible party to prepare and submit proper adjustment documents to cover any discrepancies discovered during such audit. When it is determined by duly appointed reviewing authority that losses were incurred due to fault or negligence of the responsible party, he shall be held pecuniarily liable. When the responsible party has been held pecuniarily liable, the Adjutant General or the USPFO shall make demand on the responsible party for payment to the Treasurer of the United States for the specified amount. The Adjutant General shall enter or cause to be entered a suit on the bond of such party upon failure to comply with demand for payment, and may initiate collections actions as he considers appropriate.

(b) State property.‑ All property of a nonconsumable nature procured by the Adjutant General from state appropriated funds and like property purchased from unit maintenance funds must be accounted for as state property. Property donated from any sources for National Guard use must be considered state owned property. The Adjutant General shall maintain state property lists for all units and activities of the South Carolina National Guard. The Adjutant General shall cause state property accounts to be audited as he considers necessary. If the audit reflects shortages, the Adjutant General may cause an investigation to be made and take appropriate action. If such shortages are found to be due to the fault or negligence of the responsible party, the Adjutant General shall make demand on the responsible party for payment, to the military fund of South Carolina, for the specified amount. The Adjutant General shall enter or cause to be entered a suit on the bond of such party upon failure to comply with demand for payment, and may initiate collection actions for payment.

SECTION 4. Section 25‑1‑1370 of the S.C. Code is amended to read:

Section 25‑1‑1370. (A) Each unit shall be entitled to such maintenance fund allowance as may be provided in the annual appropriations act as apportioned periodically. Unit maintenance funds from sources outside the annual appropriation must be regulated and audited by the Adjutant General.

(B) Facilities owned, leased, or under the control of the military department may be rented periodically. The rental income, military fines, and other revenue sources must be deposited in state accounts for operations and maintenance of the military department. The Adjutant General shall promulgate regulations for a rental program and audit these funds.

SECTION 5. Section 42‑7‑40 of the S.C. Code is amended to read:

Section 42‑7‑40. This article shall apply to the State including the State Guard and the National Guard, and other persons called into active military service of the State by the Governor or other authority.

SECTION 6. Section 42‑7‑65 of the S.C. Code is amended to read:

Section 42‑7‑65. Notwithstanding the provisions of Section 42‑1‑40, for the purpose of this title and while serving in this capacity, the total average weekly wage of the following categories of employees is the following:

(1) for all members of the State and National Guard, and to other persons called into active military service of the State by the Governor or other authority, regardless of rank, seventy‑five percent of the average weekly wage in the State for the preceding fiscal year, or the average weekly wage the service member would be entitled to, if any, if injured while performing his civilian employment, if the average weekly wage in his civilian employment is greater;

(2) for all voluntary firemen of organized voluntary rural fire units and voluntary municipal firemen, thirty‑seven and one‑half percent of the average weekly wage in the State for the preceding fiscal year;

(3) for all members of organized volunteer rescue squads, thirty‑seven and one‑half percent of the average weekly wage in the State for the preceding fiscal year;

(4) for all volunteer deputy sheriffs, thirty‑seven and one‑half percent of the average weekly wage in the State for the preceding fiscal year; and

(5) for all volunteer state constables appointed pursuant to Section 23‑1‑60, while performing duties in connection with their appointments and authorized by the State Law Enforcement Division, thirty‑seven and one‑half percent of the average weekly wage in the State for the preceding fiscal year.

The wages provided in items (2), (3), (4), and (5) of this section may not be increased as a basis for any computation of benefits because of employment other than as a volunteer. Persons in the categories provided by items (2), (3), (4), and (5) must be notified of the limitation on average weekly wages prescribed in this section by the authority responsible for obtaining coverage under this title.

“Volunteer firemen” and “rescue squad members” mean members of organized units whose membership is certified to the municipal clerk or chairman of the council of the municipality or county in which their unit is based by the chief officer of the unit concerned. A “volunteer deputy sheriff” is a volunteer whose membership is certified by the sheriff to the governing body of the county. No volunteer deputy sheriff may be included under the provisions of this title unless approved by the governing body of the county or municipality. A voluntary constable appointed pursuant to Section 23‑1‑60 must be included under the provisions of this title only while performing duties in connection with his appointment and as authorized by the State Law Enforcement Division. The workers’ compensation premiums for these constables must be paid from the state general fund upon warrant of the Chief of the State Law Enforcement Division. Notwithstanding any other provision of law, voluntary firemen of organized volunteer fire units and members of organized volunteer rescue squads are covered under this title by the county governing body unless the governing body of the county opts out of the coverage.

The average weekly wage for inmates of the State Department of Corrections as defined in Section 42‑1‑480 is forty dollars a week. However, the average weekly wage for an inmate who works in a federally approved Prison Industries Enhancement Certification Program must be based upon the inmate's actual net earnings after any statutory reductions. The average weekly wage for county and municipal prisoners is forty dollars a week. The average weekly wage for students of high schools, state technical schools, and state‑supported colleges and universities while engaged in work study, marketing education, or apprentice programs on the premises of private companies or while engaged in the Tech Prep or other structured school‑to‑work programs on the premises of a sponsoring employer is fifty percent of the average weekly wage in the State for the preceding fiscal year.

SECTION 7. Section 42‑7‑75 of the S.C. Code is amended to read:

Section 42‑7‑75. All state agencies shall pay workers’ compensation premiums according to Section 42‑7‑70, as determined by the State Accident Fund. As to the Adjutant General, he may use this method for the civilian employees of his agency and for members of the South Carolina National Guard and State Guard during those periods in which they perform duties relating to a request under the Emergency Management Assistance Compact or similar authority where the costs may be borne by the requesting state, and, with the approval of the State Accident Fund Director, he also may do so as to the department’s military members in active service of the State. Absent such agreement between the Adjutant General and the State Accident Fund Director, Calculation calculation of premiums for the Adjutant General’s Office must exclude losses arising out of service as a member of the South Carolina State and National Guard. In lieu of premiums for those losses the Adjutant General shall pay, at the beginning of each premium year, the amount estimated by the fund to be required to cover actual workers’ compensation benefits to guard members during the premium year. If the amount actually paid as benefits differs from the estimated pay out advanced under this paragraph, the difference must be debited or credited to the Adjutant General’s account in the same manner that an actual adjusted premium is handled.

The State Treasurer and the Comptroller General shall pay from the general fund of the State to the State Accident Fund any necessary funds to cover actual benefit claims paid during any fiscal year, which exceed the amounts paid in for this purpose by the various agencies, departments, and institutions. The State Accident Fund shall certify quarterly to the State Fiscal Accountability Authority the state’s liability for the benefit claims actually paid to claimants who are employees of any agency or political subdivision of this State and who are entitled to such payment under state law. The amount certified must be remitted to the State Accident Fund.

If there are not sufficient funds in the State Accident Fund Trust Account to pay operating expenses and claims as they arise, the State Treasurer shall, from the general fund of the State, deposit in the account monthly sufficient funds to pay expenses and claims required by law to be paid, but the amount deposited may not exceed the amount of investment income which the account would have earned from its inception if all such earnings had been credited to the fund.

SECTION 8. Sections 25‑1‑360, 25‑1‑380, 25‑1‑390, 25‑1‑410, 25‑1‑560, 25‑1‑580, 25‑1‑810, 25‑1‑830, 25‑1‑860, 25‑1‑870, 25‑1‑880, 25‑1‑890, 25‑1‑930, 25‑1‑1350, and 25‑1‑3105 of the S.C. Code are repealed.

SECTION 9. This act takes effect upon approval by the Governor.

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