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A legislative update from the Municipal Association of SC

2013 session  
120th General Assembly

# Legislative Report

## 2013 session of the 120th General Assembly

Prepared by the Municipal Association of South Carolina

The first half of the 2013-2014 regular session of the 120th General Assembly was gaveled to a close on June 6 at 5 p.m. Both the House of Representatives and the Senate returned to Columbia in extended session on June 18-19 and June 26-27 to handle the budget conference report and vetoes.

## Municipal Association 2013 Legislative Priorities

The Association identified three legislative priorities to address major challenges cities and towns of all sizes face - removal and rehabilitation of dilapidated structures, dependable revenue sources for cities and towns, and long-term and stable funding sources for roads, bridges and infrastructure maintenance, improvements and expansion.

### Dilapidated Structures

Bills were introduced in the House and Senate this session (S375, H3948) to address dilapidated and unsafe structures. These bills give cities and towns another tool to deal with blight in local hometowns by allowing more flexibility in rehabilitating or removing dilapidated structures. The bills also give cities and towns an option that invites partnerships with the private sector and nonprofits to remedy these problems. These bills are ready for subcommittee hearings at the start of the 2014 legislative session.

The Municipal Association strongly supported and worked for two years to help pass the Abandoned Buildings Revitalization Act (H3093, R91, A57) which adds an economic development tool for cities and towns to attract investors and provide incentives to revitalize abandoned buildings that are eyesores in the community. This bill allows a taxpayer to receive income tax credits or property tax credits when investing in the rehabilitation of an abandoned building. The legislation outlines specific investment thresholds required based on the municipality's population for the investor to receive the tax credits. In addition, approval by the governing board of the property tax entity is required. H3093 was passed by both chambers and signed by Governor Haley on June 11. For details on the bill, visit [www.masc.sc](http://www.masc.sc) (keyword: Abandoned Buildings Revitalization Act).

### Quality transportation and infrastructure maintenance

A conference committee of House and Senate members worked out a compromise to overhaul transportation and infrastructure funding in the final days of the session. H3360 (R119, A98) requires that all highways within the state highway system be constructed to the SC Department of Transportation standards. This bill also allows the state to accept roads from cities and towns without giving the cities and towns a road in exchange. The bill was amended to add \$50 million to the State Infrastructure Bank, redirects \$41 million of vehicle sales tax revenue from the General Fund to the state non-federal aid highway fund at SCDOT for secondary road repair, and adds \$50 million for bridge repair to leverage \$250 million in federal money. Governor Haley signed the bill into law on June 24.

# Dependable Revenue Sources

Senate and House conferees worked out differences in the two versions of the budget (H3710, R120) and adopted a compromise conference report on June 18. The General Assembly returned to Columbia on June 26 and 27 to handle gubernatorial vetoes and adopt the final budget plan before the end of the fiscal year. Several items to note in the fiscal year 2013-2014 budget:

- Local Government Fund – Funding the Local Government Fund at 100 percent of the amount required by law continued to be a major priority for cities and towns this session. In the FY2013 budget, legislators funded the LGF at only 84 percent of the state-mandated level. During the FY2014 budget debate, the General Assembly approved the same dollar amount of \$212.6 million as approved for FY2013. Because the LGF funding formula is calculated as a percentage of the state general fund (4.5 percent) and the state general fund grew in FY2012, the state budget funding level amounted to only 81 percent of full funding – a 4 percent decrease from last year.
- Cybersecurity budget proviso – This new proviso mandates that local governments notify any potentially impacted resident within 72 hours of a breach in the security of the local government computer system.

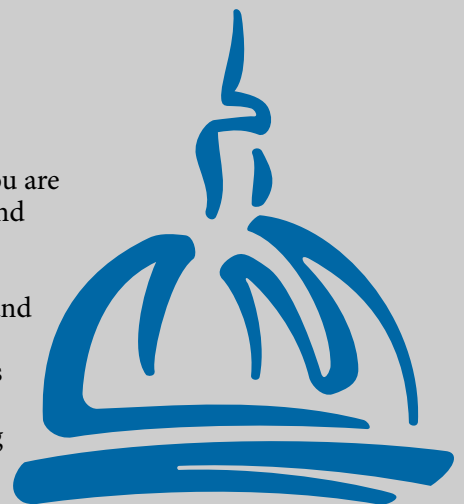
H3501, the bill allowing the legislature to cut the LGF below the level required by law, did not pass.

In an effort to ensure the Local Government Fund as a dependable revenue source for cities and towns, the House Ways and Means committee established a study committee to evaluate a new formula to calculate the Local Government Fund going forward. The committee met several times without putting forth any recommendations, but will continue to meet during the off-season.

## Municipal Association Legislative Tracking System

The Municipal Association of SC legislative tracking system allows for detailed searching and up-to-the-minute tracking of daily legislative activity. Whether you are interested in just a general overview of weekly activity or the specific language and history of a bill, searching is as easy as 1-2-3.

The Association's tracking system is accessed through the Association's website and *From the Dome to Your Home*, the Association's weekly legislative report distributed every Friday morning during the legislative session. Association staff tracks the bills by keyword, bill number and monitoring level. Tracking system users can search for bills introduced in a specific timeframe and by topic. The tracking system also includes lists of legislators' contact information and district number, committee assignments, and Association staff contacts for each bill. Local officials can provide direct feedback to the Association's advocacy staff using the "comment" button on each bill page.



# Bills Passed by the General Assembly

The Association tracked more than 380 bills during the 2013 legislative session. More than 20 of those bills passed the House and Senate. For a complete list of passed bills which impact cities and towns, visit [www.masc.sc](http://www.masc.sc) (keyword: legislative tracking)

## **Suspension of certain governmental approval processes (H3774, R123)**

Suspends certain government permits, to include local building permits, affecting the development of real property within the state from January 1, 2013, to December 31, 2017. The conference report removed language that affects SCDHEC – Ocean and Resource Management permits.

## **Eligibility for criminal record expungement (H3184, R93, A75)**

Changes current expungement law to allow a person to be eligible for expungement of a first offense crime which carries a fine of \$1,000 rather than \$500.

## **Equal Access to the Ballot Act (S2, R74, A61)**

Requires all candidates to electronically file or update a Statement of Economic Interests before filing a statement of intention of candidacy or nomination for petition. The bill prevents a candidate who fails to file a Statement of Economic Interest on time from being removed from the ballot although a winning candidate cannot take office until the SEI is filed.

## **Shoplifting and criminal domestic violence charged on a uniform traffic ticket (H3451, R97, A78)**

Requires shoplifting and criminal domestic violence offenses to be charged on a uniform traffic ticket.

## **Penalties for tampering with utility meters (H3568, R34, A23)**

Increases and restructures the penalties for altering, tampering with or bypassing electric, gas or water meters.

## **Responsibilities in the Firefighter Mobilization Act of 2000 (H3870, R107, A85)**

Clarifies in the Firefighter Mobilization Act of 2000 that SLED has specific and exclusive jurisdiction on behalf of the state in matters pertaining to the response to and crisis management of acts of terrorism and emergency event management of explosive devices.

## **Video gaming illegal (S3, R7, A5)**

Clarifies that video poker is illegal. Passed early in the session to end the debate over Internet sweepstakes, this bill clarifies that special events and activities currently allowed under South Carolina law are not an exception to the prohibition against the illegal types of machines and devices.

## **Liability of trained law enforcement dogs (S8, R75, A62)**

Removes the liability of an owner or keeper of a dog working in a law enforcement capacity if the dog attacks a suspect while in the performance of official duties.

## **Police officers disability retirement (S484, R82, A69)**

Makes a change to last session's state retirement reform bill related to police officer retirement. The language deletes the requirement that certain members of the Police Officers Retirement System must be approved for social security benefits to continue to receive a disability benefit. It also reinstates the medical review board approval.

## **Definitions in the state General Obligation Economic Development Bond Act (S610, R87, A73)**

Clarifies that the definition of an economic development project includes a facility allowing specific events which is adjacent to a national and international convention and trade show center owned by a public entity.

## Important Issues in the 2014 Session

These bills did not pass during the 2013 legislative session but will still be active when the 2014 General Assembly convenes in January. For a full list of all bills tracked by the Municipal Association, visit [www.masc.sc](http://www.masc.sc) (keyword: legislative tracking).

### **State cybersecurity and identity theft plan (S334)**

Requires the governor to develop a protection plan to minimize the actual and potential costs and effects of identity theft due to the cybersecurity breach at the Department of Revenue by providing identity theft protection and identity theft resolution services. The bill further mandates that local governments follow the cybersecurity policies, guidelines and standards to be created by a new State Chief Information Security Officer. This bill was passed by the Senate and was in the House Ways and Means committee when the legislature adjourned for the year.

### **Freedom of Information Act changes (H3163)**

Changes the time period to answer a FOIA request, the cost to answer the request and increases fines for violation of the law. The bill made it out of the House Judiciary committee but was recommitted to the committee for further study.

### **South Carolina Restructuring Act of 2013 (S22)**

Makes changes in state government including abolishing the state Budget and Control Board. This bill was in a conference committee to work out differences between the House and Senate versions when the legislature adjourned for the year.

### **Use of an electronic communication device while driving (H3121)**

Prohibits using an electronic communication device while driving a motor vehicle. Passed out of committee to the floor and was recommitted to the House Education and Public Works committee.

### **Business Freedom to Choose Act (flow control) (H3290)**

Prohibits a county from passing an ordinance that restricts solid waste disposal at a permitted facility or impedes the development or implementation of a recycling program. The bill would preempt cities and towns from being able to determine who collects residential and commercial waste. A hot button topic in the General Assembly this year, the flow control bill was passed by the House but remained on the Senate calendar when the legislature adjourned.

### **Requirements of an employee seeking workers' compensation (H3147)**

Modifies the requirements of an employee seeking workers' compensation for personal injury caused by stress, mental injury or mental illness. The bill was amended in committee to only apply if mental injury arises from law enforcement officer's direct involvement in or subjection to the use of deadly force in the line of duty. The bill was on the House contested calendar when the legislature adjourned for the year.

### **Statewide program for e-waste recycling (H3847)**

Creates a statewide stewardship program for recycling electronic equipment. This bill was passed by the House and amended by the Senate but stalled in the House on the last day of the session because of several pending amendments. The e-waste bill will be on the House calendar when the legislature reconvenes in January.



**MASC** Municipal Association  
of South Carolina<sup>SM</sup>

# Advocacy Strategy Map

