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A legislative update from the Municipal Association of SC

2014 session
120th General Assembly

Legislative Report

2014 session of the 120th General Assembly

Prepared by the Municipal Association of South Carolina

The second half of the 2013-2014 regular session of the 120th General Assembly was gavelled to a close on June 5 at 5 p.m. The House of Representatives and Senate adopted the budget before adjournment, but returned to Columbia for three days in June to handle the governor's vetoes. Any legislation that did not pass this session must be reintroduced in 2015 as a new bill.

Municipal Association 2014 Legislative Priorities

For the second half of the 2013-2014 session, the Municipal Association identified four legislative priorities to address major challenges cities and towns of all sizes face. The four priorities were removal or rehabilitation of dilapidated structures; dependable revenue sources for cities and towns; enhanced public safety; and long term and stable funding sources for roads, bridges and infrastructure maintenance, improvements and expansion.

In 2014, the Association spearheaded introduction of the Dilapidated Buildings Act that would have given cities and towns a new tool to address unsafe and dilapidated buildings. The bill passed the Senate but died in the House in the last week of the session.

Included in the FY15 budget for the Local Government Fund is \$187.6 million in recurring dollars and \$25 million in non-recurring dollars for a total of \$212.6 million. This puts the LGF at the same funding level as the current year. New provisions adopted this year had no significant impact on cities and towns.

Two public safety bills that passed this year have direct impact on local law enforcement. S308 permits a patron to carry a concealed weapon in a business that sells alcohol consumed on the premise unless notice of a prohibition is provided by the business.

S19 increases a circuit court judge's ability to deny bond and revoke existing bond when someone is arrested for a "serious" or "most serious offense" while out on bond for an offense that falls into either of these categories.

State budget

Increased state revenues this year gave local governments some hope for increased funding of the Local Government Fund. Since 2009, the General Assembly hasn't funded the LGF at the level required by state law.

The current FY14 Local Government Fund allocation is \$182.6 million in recurring funds plus \$30 million in nonrecurring funds totaling \$212.6 million.

During the budget debate, the House of Representatives added \$5 million in recurring dollars to the FY14 Local Government Fund allocation of \$182.6 million. The House also included \$25 million in nonrecurring dollars. This totaled \$212.6 million for FY15, which is the same as FY14. The Senate allocated \$7 million in new recurring dollars plus a total of \$26 million in nonrecurring dollars for a total funding of \$215.6 million.

The House and Senate avoided a conference committee on the budget by compromising on several issues including the Local Government Fund. The final FY15 state budget includes a total Local Government Fund allocation of \$212.6 million, the same as the FY14 budget. Legislators increased recurring dollars by \$5 million over FY14 to \$187.6 million, with \$25 million in nonrecurring dollars.

With the increased dollars in the FY15 state budget, the LGF will be funded at only 74 percent of statutory funding compared to 81 percent statutory funding in FY14.

Bills Passed by the General Assembly

The Association tracked more than 600 bills during the 2013-2014 legislative session. More than 60 of those bills became law. Several of the 2014 passed bills are highlighted in this report. For a summary of passed bills from 2013, visit www.masc.sc (keyword: legislative review). For a complete list of 2014 passed bills visit www.masc.sc (keyword: legislative tracking).

Statewide texting while driving ban

S459 enacts a statewide texting ban. The new law only allows texting while a driver is legally stopped or using a hands-free device. It also specifically permits using GPS navigation and places no restrictions on talking on a cellular phone. While 19 municipalities had enacted texting ban ordinances, the Association and its members supported a statewide ban. This statewide ban preempts the local ordinances and brings uniformity to the law on this issue.

Statewide technology equipment recycling

H3847 creates a statewide program for recycling electronic equipment. The bill allows non-electronic portions of electronic devices to be reintroduced into the regular solid waste stream, allows participating local governments to charge manufacturers for recovery of devices once the manufacturer has reached its recovery quota, and removes the rule that previously prevented participating local governments from charging consumers at any point in the device recovery process.

Multi-lot discount cap elimination

H4944 extends the multi-lot discount that has been in effect since 2001. The multi-lot discount has allowed a developer who is developing at least 10 lots to keep the original property tax value for up to five years until each lot is sold. At the beginning of the recession, the General Assembly allowed developers at the end of the five year period to apply for an extension of the discount for tax years 2012, 2013 and 2014. The extension sunsets on December 31, 2014. This bill extends the sunset to December 31, 2015.

Accommodations tax

H3561 deletes surcharges such as room service, amenities, entertainment, items in promotional tourist packages, in-room movies and other guest services from items subject to state and local accommodations tax.

Four percent tax rate on rentals

S437 allows the owner-occupant of residential property to receive the four percent assessment ratio if he is otherwise qualified and his residence is not rented for more than 72 days a year.

Surcharge on traffic violations

S894 codifies a budget proviso that adds a \$5 surcharge on all fines, forfeitures, escheatments or other monetary penalties imposed in General Sessions, magistrates' or municipal court for misdemeanor traffic offenses or non-traffic violations. The bill sends the surcharge revenue to fund training at the SC Criminal Justice Academy.

Millage cap exemption for fire departments

S964 allows the property tax millage cap to be suspended by referendum in order to fund the operations of a fire district.

Fairness in Lodging Act

S985 allows municipalities and counties that impose a local accommodations tax to provide by ordinance additional enforcement authority for the state and local accommodations tax for tourist rental properties by giving the Department of Revenue and the local jurisdiction the power to share applicable data. The bill further allows local governments by ordinance to establish a fine for a property owner not submitting his local accommodations tax.

Local tax exemption in emergencies

S1033 exempts from state and local taxes out-of-state businesses that do work in SC related to infrastructure repair or services related to a declared state of emergency.

Local sales tax for transportation

S1085 allows county councils to extend the transportation infrastructure local sales and use tax without interruption for no more than 25 years.

Bills Passed by the General Assembly

Motions in magistrates' court

S176 increases the time period in which a motion for a new trial may be made in magistrates' court from five days to 10 days.

Expungement study committee

S900 creates a study committee to review the state's criminal laws and determine criminal offenses appropriate for expungement.

Concealed weapons permitted in establishments selling alcohol

S308 permits a patron to carry a concealed weapon in a business that sells alcohol consumed on the premise unless notice of a prohibition is provided by the business.

Bond reform

S19 increases a circuit court judge's ability to deny bond and revoke existing bond when someone is arrested for a "serious" or "most serious offense" while out on bond for an offense that falls into either of these categories.

Beach Preservation Act

S503 allows a qualified coastal municipality to impose a fee dedicated to beach renourishment to be approved by referendum not to exceed one percent on the gross proceeds from the rental or charges for accommodations furnished to transients. Qualified coastal municipality is defined as a municipality that imposes a local accommodations tax not exceeding 1.5 percent.

Accommodations tax revenue for beach renourishment

S294 allows local accommodation tax revenues to be used for beach renourishment and allows a municipality by a two thirds vote to hold the funds for more than two years if the funds are designated for control and repair of waterfront erosion.

Protecting oceanfront golf courses

S1031 allows oceanfront golf courses that existed before 1991 to be protected with sandbagging and sand scraping under emergency orders issued or approved by the SC Department of Health and Environmental Control.

SC Restructuring Act of 2013

S22 restructures state government by dissolving the existing Budget and Control Board and splitting its responsibilities among three new state agencies, including the creation of the Department of Administration.

SC Distributed Energy Resource Program

S1189 creates a distributed energy resource program in the state through third party solar energy distribution. The law allows electric utility customers to lease solar energy equipment and participate in net-metering programs without incurring the expense of purchasing the required equipment. It also broadens the definition of fuel cost for utilities providing such net-metering opportunities.

State designated cultural districts

S1172 establishes criteria and guidelines for state-designated cultural districts by the SC Arts Commission.

Other Issues in the 2014 Session

Many bills were introduced over the last two sessions that did not pass, but were important issues for cities and towns. While the bills died at the end of this two-year session, they can always be introduced again in a new bill at the beginning of 2015. Association staff closely followed and worked on bills related to elimination of the business license tax (H3986); modification of workers' compensation laws for police officers to include stress, mental illness or mental injury (H3147); and flow control of waste in counties (H3290) among many others.

Regional Advocacy Meetings 2014

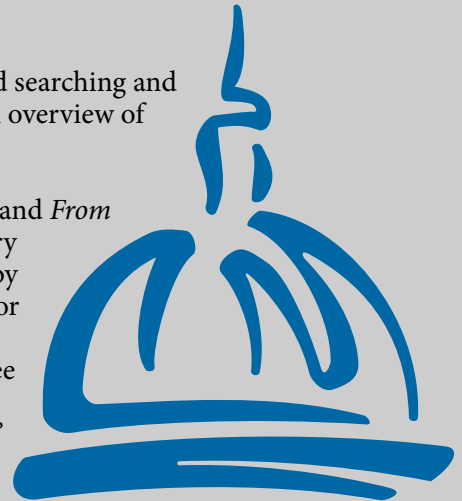
Join us for the 2014 Regional Advocacy Meetings to discuss enacted legislation and upcoming priorities. Local legislative delegations will be invited to attend these meetings. To register, visit www.masc.sc (keyword: regional advocacy).

September 16	Greenwood – Arts Center
September 17	Florence – Victor’s in Hotel Florence
September 23	Columbia – Municipal Association of SC
September 24	Summerville – Cuthbert Community Center at Azalea Park
September 25	Greenville – The Innovate Building
September 30	Port Royal – The Shed ~ Port Royal
October 1	Sumter – Swan Lake Iris Garden
October 2	Orangeburg – Orangeburg Count Fine Arts Center
October 7	Georgetown – C. Spencer Guerry Law Enforcement Center
October 8	Rock Hill – Manchester Meadows Soccer Complex

Municipal Association Legislative Tracking System

The Municipal Association of SC’s legislative tracking system allows for detailed searching and 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 easy.

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 emailed 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 time frame and by topic. The tracking system also includes lists of legislators’ contact information and district numbers, committee assignments and Association staff contacts for specific bills. Local officials can provide direct feedback to the Association’s advocacy staff using the “comment” button on each bill page.



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MASC Municipal Association
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Advocacy Strategy Map

