



From the  dome — To your  home

A legislative update from the Municipal Association of SC

2018 session
122nd General Assembly

Legislative Report

2018 session of the 122nd General Assembly

The second year of the 2017-2018 regular session of the 122nd General Assembly was gavelled to a close on Thursday, May 10, 2018, at 5 p.m. However, legislators returned to Columbia on June 27 and 28 to handle conference committee reports and the state budget.

The nuclear power plant failure at V.C. Summer in Fairfield County was a primary focus of lawmakers' attention this session with utility and solar energy bills taking up substantial debate in committee and on the floor. Issues such as enclave annexation and the Municipal Tax Relief Act, both extremely important to cities and towns, were moved to the back burner by legislators in order to tackle V.C. Summer.

The state budget

House and Senate members returned to Columbia on June 27 and 28 to adopt the budget conference report. The budget does not include additional money in the Local Government Fund, but does continue to cover 1 percent of the employers' 2 percent increase in retirement system contributions from FY 2018.

The final budget includes:

- No additional money in the Local Government Fund leaving the fund at \$222.6 million for FY 2018-2019. This is the same level as FY 2017-2018.
- The 1 percent pension employer contribution credit funded in the FY 2018 budget is again funded in the FY 2019 budget.
- \$11 million for beach renourishment

Several provisos that made it into the final version of the budget also have a significant impact on cities and towns:

- Allows the S.C. Department of Transportation to use federal-aid funds to relocate water and sewer lines in compliance with federal guidelines. This proviso is similar to S932 that stalled in the House of Representatives this session. Utility relocation was one of the 2018 Advocacy Initiatives for cities and towns.
- Requires cities and towns to perform national background checks and fingerprint employees with access to federal tax information.
- Requires the S.C. State Law Enforcement Division to determine if municipalities are inhibiting their employees' attempts to comply with state or federal laws that require checking immigration status of people applying for various public services. It also requires SLED to determine if municipal law enforcement officials are checking the immigration status of suspected individuals. Municipalities that SLED does not certify as "compliant" will lose undisbursed portions of their Local Government Fund allocation.
- Allows an officer who retired under the Police Officers Retirement System on or before December 31, 2017, to return to work with a public school district as a critical needs School Resource Officer without the \$10,000 earnings cap.

Municipal Association 2018 Advocacy Initiatives

Through an all-inclusive process involving hundreds of municipal officials, the Municipal Association of SC identified major challenges facing cities and towns in the state. The 2018 Advocacy Initiatives represent proposed solutions to challenges that can be addressed through changes to state law.

Encourage business growth and development

For businesses, time is money. Implementing standardized business licensing practices saves businesses time and supports local economic growth.

Action item

Standardize business license tax collection processes across the state.

Provide quality services

Residents and businesses expect a positive quality of life and economic prosperity in their hometowns. To achieve this, dependable and consistent revenue sources are necessary to support the efficient and effective delivery of municipal services.

Action item

Update the formula for the Local Government Fund to ensure a reliable revenue source for cities and towns.

Action item

Increase flexibility for municipalities to raise revenue to support specific capital projects.

Action Item

Allow cities to annex certain enclaves by ordinance.

Action item

Increase flexibility for municipalities to more effectively use local hospitality/accommodations tax and Victims Assistance funds

Reduce blight

Dilapidated structures pose a public safety threat in municipalities of all sizes. Additional tools to clear blight will ensure the safety of residents and visitors and spur economic development opportunities for business owners.

Action item

Establish options to recover public funds spent to demolish or clean blighted property.

Increase funding for law enforcement

Law enforcement agencies face the challenge of recruiting, hiring and training highly qualified officers. Increased funding for training and resources will result in safer streets and communities.

Action item

Increase reliable funding to offer more training opportunities for law enforcement officers.

Action item

Increase funding for body worn cameras.

Action item

Equip cities and towns with the tools to meet law enforcement challenges created by the opioid epidemic.

Expand funding sources for infrastructure

Long-term management of infrastructure extends beyond building roads, fixing potholes and cleaning drainage ditches. Cities and towns need resources and flexibility to prioritize and address local infrastructure challenges.

Action item

Increase municipal representation on County Transportation Committees

Action item

Increase funding for drainage projects to mitigate flood-prone areas

Action item

Identify funding sources for relocating municipally-owned utilities forced to move due to road and bridge construction.

Bills passed by the General Assembly in 2018

The Association tracked more than 480 bills over the 2017-2018 session. Since this is the second year of a two-year session, bills that did not pass are dead and must be reintroduced as new bills in 2019.

While very few bills impacting cities passed as compared to the 480 bills that the Association tracked, several of these bills have a big impact on municipal governance. From opioid antidote distribution to litter control, the General Assembly passed several bills that are additional tools in the municipal tool box that will help governing at the local level.

Both business license bills, H3650 and H3651, died at the end of the 2018 session. Both of these bills were harmful to cities' ability to raise revenue. While they could be introduced again in 2019, cities and towns continue moving toward standardizing their business licensing practices to make the process of applying for and renewing a business license more efficient for business owners.

For a complete list of passed bills and bills the Association tracked that impacted cities and towns, visit www.masc.sc (keyword: legislative tracking). Several of the passed bills from the 2018 session are highlighted here.

Expungement

H3209 expands the list of convictions that a person may have expunged from his record and expands the circumstances under which these convictions may be expunged. The newly available expungements apply to certain convictions that may have occurred before this bill's passage, and may also apply to convictions for violations that have been repealed.

Nuisance suits

H3653 protects manufacturing facilities from nuisance lawsuits so long as they operate or expand in compliance with applicable environmental laws, and in compliance with applicable municipal zoning and nuisance ordinances. The bill allows local governments to continue to enforce local zoning and nuisance ordinances.

Abandoned building tax credits

S1043 extends the South Carolina Abandoned Buildings Revitalization Act until 2021 and establishes credit limits for certain building sites that qualify for the tax credit. Passed in 2013, the Act created an incentive to rehabilitate, renovate and redevelop abandoned buildings. The governor vetoed this bill on July 3, 2018. This bill does not become law until the General Assembly votes to override the veto or kills the bill by voting to sustain.

Opioid antidote distribution

H4600 allows certain community organizations to distribute opioid antidotes. The bill defines community distributor as a public or private organization, which provides substance abuse assistance and services, such as counseling, homeless services, advocacy, harm reduction, alcohol and drug screening, and treatment to individuals at risk of an opioid-related overdose. Tackling the challenges of the opioid epidemic was one of the 2018 Advocacy Initiatives.

Litter

H4458 provides municipal courts with more penalty options for individuals convicted of littering. The fee that a person must pay if he is relieved from the mandatory litter gathering portion of the penalty was increased from \$5 per excused hour to \$15 per excused hour. The bill also requires the S.C. Department of Public Safety to track data related to the number and demographic break down of those paying the fee.

Law enforcement misconduct

H4479 defines officer misconduct. The bill also creates a violation, subject to a fine, if a police chief or sheriff fails to report officer misconduct to the Law Enforcement Training Council. The bill also prohibits anyone who has a pending allegation of misconduct from being hired as a law enforcement officer or a telecommunications operator.

Beachfront development

H4683 moves the beachfront development line and measures and establishes primary dune locations no sooner than 18 months after a named storm. It requires conserving existing lines as state policy and allows local governments to apply to the state to repair a seawall after a named storm. It also establishes the coastal development line at its 2017 location or through the state's appeals process.

Sunday alcohol sales

S820 clarifies state law to allow city and county residents to vote on a referendum allowing the S.C. Department of Revenue to issue temporary licenses for on-premise alcoholic liquor sales and off-premise beer and wine sales on the same or separate ballots.

Pawn brokers

S810 sets new procedures for when and how police may seize alleged stolen property from pawn brokers. It also requires pawnshop operators to provide all records of pledged items to be included in a database approved by the S.C. Department of Consumer Affairs, and accessible by law enforcement. The bill makes it a misdemeanor for a pawnbroker to fail to comply with this new database requirement and gives magistrate and municipal courts jurisdiction to hear these cases.

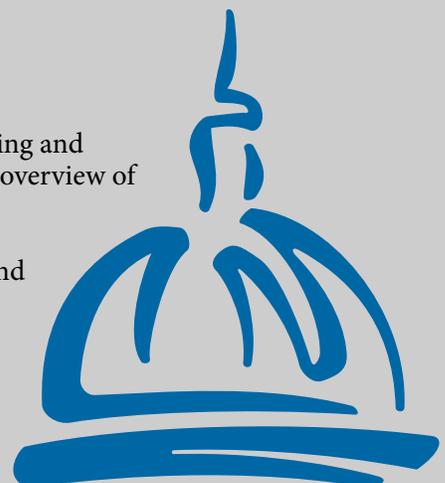
Pregnancy workplace accommodations

H3865 requires employers to provide reasonable accommodations to employees for medical needs resulting from pregnancy or childbirth.

Municipal Association Legislative Tracking System

The Municipal Association 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.





Legislative Session by the Numbers

484

Bills impacting cities tracked by the Association

279

Local officials participating in the nine **2017 Regional Advocacy Meetings**

562

Local officials attending **2018 Hometown Legislative Action Day**

4,000+

Subscribers to the weekly legislative report

From the Dome to Your Home



900+ Tweets about timely issues & legislative developments

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