

State Legislative CHALLENGES

The South Carolina General Assembly convened a few weeks ago and that means your Town Council is gearing up for review, discussion, and action related to bills that may affect us. We exist, by constitutional design, in a layered form of government, namely town, county, state and federal systems. What is the common link among all forms of government? The taxpayer. As a result, each level vies for dollars because it thinks it can best serve the taxpayer. As the General Assembly begins to consider hundreds of bills, your Town Council tracks any and all that may affect our right to, for example, ensure proper land use such as zoning or our right to impose creative fees that visitors absorb rather than residents.



This past summer, I had the honor of accepting the position of president of the South Carolina Municipal Association for a one-year term. As president, I have vowed to start improving the relationship between local governments and the statehouse. The fight for Home Rule i.e. our ability to dictate our future rather than receive dictates from Columbia, will continue, but I believe that we should drop the label “sides” and work more cooperatively. This means that as local officials we need to spend more time with not only our local legislative delegation, but with other legislators as well. Town Council members will be visiting the statehouse in February to do our part. I believe state legislators also must better understand that locals know what’s best for their towns or counties. Will we always agree? No, but we need to start learning more about what motivates state interests and what motivates local interests, and that won’t occur in just one year. But in this year, we can start.

Here are examples of some the pieces of potential legislation we’ll be keeping an eye on for this coming year.

- **Municipal Capital Project Sales Tax:** Allows a municipality to enact a one-cent sales tax, if approved by the voters.
- **Hog/Poultry Farm Regulations (Impacts Home Rule):** Precludes local governments from imposing a more restrictive or burdensome requirement than a state statute or regulation regulating the production of livestock or poultry.
- **2/3 Vote Required to Impose or Increase a Fee or Tax:** Local governments may not impose or increase any tax or fee without a two-thirds vote of the members of the body.
- **Accommodations & Hospitality Taxes/Definition of Tourist:** Defines tourist and places limitations on local government’s ability to use funds.
- **Isolated Wetlands:** Amends the law to define an isolated wetland and limits a local government’s ability to enact regulations protecting those wetlands.
- **Business License-Insurance Agents:** Eliminates a municipality’s ability to

charge business license tax to individual independent insurance agents.

- **Business License-Realtors/Brokers:** Proposed amendment would prevent local governments from using brokers’ gross commissions as a basis for the business license tax.
 - **Business License-County Flat Fee:** Authorizes a county to impose a flat business license tax on all businesses, including those in municipal boundaries.
 - **Municipal Option Sales Tax:** Amends statutes to allow municipalities to conduct elections to impose local option sales tax.
 - **Recreation Facilities-Liability:** Ensures that a municipality or county or its employees are not liable for damage or injury caused to a person who participates in a hazardous recreational activity on municipal or county property.
 - **Accommodations Tax-Marinas:** Amends the law to allow state and local accommodations taxes to be used for expenses for planning, engineering, dredging and disposal of the dredged material from marinas, if the marina is a tourist-related marina.
 - **Property Tax-Golf Courses:** Amends the law to change the method by which the value of golf courses is determined for property tax purposes.
 - **Property Tax Liens:** Clarifies law to allow counties to place liens on property to collect costs of cleaning vacant lots and abandoned buildings by municipalities.
 - **Freedom of Information:** Provides for several amendments to the Freedom of Information Act.
 - **Incorporation:** Amends the general statutes to remove the five-mile limitation on areas seeking to incorporate as a municipality.
 - **DUI First Offense Fine:** Increases the amount of the fine for a first offense for DUI from \$400 to \$1,200.
 - **Labor and Employment-Personnel Records:** Amends the state code to allow an employee the right to examine and obtain copies of the contents of his personnel records.
 - **Signage-Way Finding:** Amends statutes, Department of Transportation regulations, to allow local governments to install way-finding signage.
- So as you can see, there are many potential bills we will be looking closely at in this session. We invite you to attend the town’s Intergovernmental Relations Committee meetings. Throughout the legislative session, the Intergovernmental Relations Committee closely monitors bills that may affect town interests and makes recommendations to town Council regarding the town’s involvement. Meeting dates and times are posted on the town’s Web site at hiltonheadislandsc.gov.
- Please support us as we fight for our future. □