

PROPOSED LEGISLATIVE
AGENDA PROCESS



Highest Priority – H4431 – SC Business License Tax Reform

- **BRIEF:** This bill radically alters the existing business license structure by nearly eliminating fees for businesses not domiciled in the jurisdiction in which the license is levied, and by redefining the basis of the fee from “Gross Revenues” to “Business Taxable [Net] Income”.
- **RECOMMENDED POSITION:** The City supports previous efforts to make the business license ordinance more uniform from one jurisdiction to the next, and the development of a “portal” to greatly simplify the payment of fees by businesses that operate in multiple jurisdictions. The amendments proposed in this bill, however, go to the heart of the City’s ability to operate, and are strenuously opposed.
- **RATIONALE:** As proposed this bill would have a devastating impact on the City’s ability to maintain current service levels and to fund basic public services including Police, Fire, Infrastructure Maintenance, Recreation, etc. Further the bill would transfer a greater proportion of the costs of local government to the residential sector, away from non-residents that purchase the goods or consume the services. The bill is a disincentive for new businesses to locate within the corporate limits, and an incentive for existing businesses to move out of a municipality.

PRIORITY – H5416 Rental of Residential Building

- **BRIEF**: This bill prohibits counties and municipalities from enacting or enforcing regulations to restrict the rental of a residential dwelling to short-term guests.
- **RECOMMENDED POSITION**: Oppose. This proposal would nullify the prohibition of short-term rentals (less than 30 days) in residentially zoned districts. These prohibitions are necessary to maintain the quality of life in the for our residents.
- **RATIONALE**: This bill preempts a very important decision that should reflect the unique needs of different communities. As a City with millions of annual tourists, it is important to safeguard Myrtle Beach’s permanent residential areas from those in which our tourists stay. This bill effectively pre-empts longstanding zoning prohibitions on the rental of properties for less than 30 days in a residentially zoned district.

PRIORITY - H4262/SB638: Small Wireless Facilities Deployment

- **BRIEF:** These bills prohibits local authorities from prohibiting, regulating, or charging for collocation of small cell wireless facilities; requires these facilities be classified as permitted uses; and generally exempts them from zoning review/approval. These bills also include requirements relating to applications, fees, application review, issuance of permits, and collocation of small wireless facilities. These bills prohibit state and local governments from regulating design, engineering, construction, installation, or operation of cellular facilities. Lastly, these bills give the administrative court jurisdiction over related disputes, and prohibits local authorities from requiring that wireless providers name them as additional insureds on the provider's insurance policy.
- **RECOMMENDED POSITION:** Oppose as written. Do not oppose the provisions relating to compensation to these companies. Discuss with sponsors to arrive at a position that recognizes communities' aesthetic investments, and the need to provide indemnification for the local units in which this infrastructure is deployed.
- **RATIONALE:** The City benefits from deployment of small cell infrastructure throughout the community, and is not opposed to the restrictions on fees that can be charged to such firms for the use of the rights-of-way. The City has, however, spent millions to improve the aesthetic appeal of these areas. The City is committed to a process allowing for needed cellular service improvements, and has adopted "safe-harbor" provisions to this effect. The City also opposes the proposed prohibition that leaves the local units exposed to the financial consequences of accidents involving this infrastructure.

PRIORITY - Bill H3274: Cigarettes and Nicotine Products

- **BRIEF**: Provides that cities, towns and counties may not enact any laws, ordinances, or rules pertaining to ingredients, flavors, licensing of cigarettes, electronic cigarettes, tobacco products, or alternative nicotine products. Any laws, ordinances, or rules enacted by a political subdivision prior to January 1, 2019 are not subject to this preemption.
- **RECOMMENDED POSITION**: Oppose. Now that vaping has been shown to significantly increase health risks, especially among youth, the State should not take a position to increase those risks still further.
- **Rationale**: To approve this law in view of the associated health risks opens a real potential of huge additional health care costs for the individual and for all levels of government. Further the bill does not recognize the unique nature of each community. Again this is a decision better left to the discretion of local government leaders to recognize the potential costs and benefits that such facilities may have in that community.

PRIORITY: HB3968/S590: Asset Forfeiture & Private Property Act

- **BRIEF**: This bill changes the current rules relating to the forfeiture of assets directly related to criminal activity. There are two types of forfeitures – those made voluntarily & those made in Civil Court pursuant to a Judge’s order. 75% of each forfeiture is awarded to the arresting agency; 20% goes to the local Solicitor; and 5% goes to the State. Of the amount retained by the local agency, the first \$1,000 may be used for any related purpose, and the remainder must be used for drug enforcement. The funds cannot supplant those already budgeted. During the past year a report from the Upstate identified abuses of the current law. The proposed amendment makes such forfeitures (including weapons) subject to action in the related felony, and restricts the distribution to local law enforcement to “investigation costs excluding salaries” (balance to the State’s General Fund).
- **RECOMMENDED POSITION**: Request that the Sponsors meet with the SC Police Chief’s Association to work out a position that provides adequate oversight of the uses of these funds without taking away this important law enforcement tool.
- **RATIONALE**: The vast majority of law enforcement agencies, including the City of Myrtle Beach, have followed the existing law rigorously. Current law already provides a means by which a defendant can dispute the forfeiture. Given the nationwide battle to curb the opioid epidemic, this is not the time to take tools away from law enforcement. The abuses of the few can be dealt with effectively by tweaking the current law.

H4482: Housing Attainability ACT

- **BRIEF**: This bill requires state agencies, counties, and municipalities to prepare a detailed, specifically prescribed housing impact analysis for any action that could impact certain housing costs (including property taxes, sales prices, rental rates, etc.). The bill also requires an annual report on the fulfillment of the Housing Element of the City's Comprehensive Plan.
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- **RECOMMENDED POSITION**: Oppose. Nearly every local decision could arguably effect housing costs.
- **RATIONALE**: The requirements for these studies are overly broad, and beyond the capability of most local units. This action significantly stifles local government actions to improve the quality of living in each community. The industry has other options for monitoring proposals that could effect housing costs.

S394: Auxiliary Containers

- **BRIEF:** This bill provides that any regulation of “auxiliary containers” must be done by the General Assembly, rather than local governments. The bill contains a number of exemptions including exemptions for city and county owned property, and public beaches. Auxiliary containers are defined as bags, cups, packages, containers, bottles or other packaging designed primarily for protecting merchandise, food, or beverages from or at a food service or retail facility.
- **RECOMMENDED POSITION:** Oppose. While the City does not at present have any restrictions on auxiliary containers, this legislation would prohibit the City from adopting any in the future.
- **Rationale:** This legislative exemption act does not recognize unique community differences of each unit, and the effect those differences may have on the need for differing policy positions. This is a matter better left to the discretion of local officials to recognize these unique circumstances.

S227: Millage Rate Increase Limitations

- **BRIEF**: This bill allows a municipality without an operating millage on January 1, 2019 to impose a millage in an amount up to one-third of the amount of their General Fund. Current law restricts the amount of the millage increase that a town may impose based on the previous millage rate. When the basis is zero, it is mathematically impossible to begin to levy any millage rate at all.
- **RECOMMENDED POSITION**: Support. While this law has no effect on the City of Myrtle Beach, we recognize that smaller units of local government may need to impose property taxes in order to fund municipal services.
- **RATIONALE**: Although this bill doesn't directly affect Myrtle Beach, it allows the City to support those small municipalities who may need to adopt their millage after the effective date.

New Legislative Proposal: Amend the Process of Distributing Federal Opioid Funds to Allow Greater Local Discretion

Explanation:

- The House’s Opioid Abuse Prevention Study Committee report entitled “January 2019 Update to Findings and Recommendations” includes the following recommendation:

“Encourage the Development of Community Coordinating Councils. Update: Several communities across the state have developed coordinated efforts through local leadership, law enforcement, healthcare providers, and stakeholders to include partners in the public and private sectors, and faith-based organizations to address OUD at the local level. DAODAS is continuing to work with and support additional community coalitions through the Empowering Communities for Healthy Outcomes (ECHO) model that specifically addresses prescription drug abuse and misuse.”

- The City respectfully request that the distribution of Federal Opioid funding be adjusted to allow funding of such local agencies, and consultation with such agencies with respect to the distribution of Federal Opioid funding within the jurisdiction of such agency.
- The City is currently engaged in an effort to develop such a partnership between units of local government in Horry and Georgetown Counties.
- The City respectfully requests that each unit of local government be allowed input into the distribution process so that the unique needs of each community may be addressed.

New Legislative Proposal: Amend Landlord and Tenant Act to Change Process of Reclamation of Tenant's Possessions.

Explanation:

- Per current law:

“Personal property belonging to a tenant removed from a premises as a result of an eviction ... which is placed on a public street or highway shall be removed by the appropriate municipal or county officials after a period of 48 hours, excluding Saturdays, Sundays, & holidays, & may also be removed by these officials in the normal course of debris or trash collection before or after a period of 48 hours.... The notice of eviction must clearly inform the tenant of the provisions of this section. The municipality or county and the appropriate officials or employees thereof have no liability in regard to the tenant if he is not informed in the notice of eviction of the provisions of this section.”

- The application of his law often results in the removal of these items from the roadway by persons other than the tenant, & an unsightly scattering of the tenants' possessions along the roadway, which the City may be illegally unable to mitigate.
- The City respectfully requests that the Legislature consider allowing the magistrate to impose another remedy for the removal of the tenant's personal possessions if the magistrate is convinced that the alternative remedy is at least as likely to reunite the tenant with their belongings.

New Legislative Proposal: Board Representation on the Grand Strand Water and Sewer Authority's Board of Directors

Explanation: The City of Myrtle Beach is the largest single customer of Grand Strand Water and Sewer Authority, but has no dedicated representation on the Authority's eight member Board of Directors. Recent events have highlighted the need to engage in planning the infrastructure needs of this growing community on a regional basis. The current number of Board Members is set by State law. An amendment of this law would be necessary to ensure City representation on the Board.