~~Indicates Matter Stricken~~

Indicates New Matter

CONFERENCE COMMITTEE REPORT ADOPTED -- NOT PRINTED

June 19, 2014

**S. 825**

Introduced by Senators Alexander and Davis

S. Printed 5/29/14--S.

Read the first time January 14, 2014.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE “MILITARY FAMILY QUALITY OF LIFE ENHANCEMENT ACT OF 2014” BY ADDING SECTION 3‑1‑40 SO AS TO EXEMPT FROM AD VALOREM TAXATION ANY REAL PROPERTY LOCATED WITHIN A MILITARY BASE OR INSTALLATION THAT IS USED OR OWNED BY THE UNITED STATES ARMED FORCES AND IS USED AS MILITARY HOUSING FOR MILITARY AFFILIATED PERSONNEL AND THEIR FAMILIES EVEN IF THE REAL PROPERTY IS IMPROVED, MAINTAINED, OR LEASED TO A PARTY THAT WOULD OTHERWISE SUBJECT THE REAL PROPERTY TO TAX, SO LONG AS THERE IS A CONTRACTUAL AGREEMENT REQUIRING THE LESSEE TO USE THE PROPERTY FOR MILITARY HOUSING; BY ADDING SECTION 44‑6‑35 SO AS TO PROVIDE THAT MILITARY FAMILIES MAY ENROLL IN A MEDICAID HOME AND COMMUNITY‑BASED WAIVER PROGRAM IN THIS STATE IF SOUTH CAROLINA IS THEIR STATE OF LEGAL RESIDENCE, AND TO ALLOW THEM TO MAINTAIN ENROLLMENT IF THE FAMILY IS STATIONED OUTSIDE OF SOUTH CAROLINA; BY ADDING ARTICLE 21 TO CHAPTER 11, TITLE 63 SO AS TO CREATE THE MILITARY‑CONNECTED CHILDREN’S WELFARE TASK FORCE TO IDENTIFY ISSUES RELATED TO MILITARY‑CONNECTED CHILDREN AND OPEN COMMUNICATION BETWEEN CHILD WELFARE AGENCIES OF THIS STATE AND LOCAL MILITARY INSTALLATIONS; TO AMEND SECTION 59‑18‑900, AS AMENDED, RELATING TO THE DEVELOPMENT OF COMPREHENSIVE ANNUAL REPORT CARDS AND ACADEMIC PERFORMANCE RATINGS, SO AS TO DIRECT THE EDUCATION OVERSIGHT COMMITTEE, WORKING WITH THE STATE BOARD OF EDUCATION, TO ESTABLISH A COMPREHENSIVE ANNUAL REPORT CONCERNING THE PERFORMANCE OF MILITARY‑CONNECTED CHILDREN WHO ATTEND PRIMARY, ELEMENTARY, MIDDLE, AND HIGH SCHOOLS IN THIS STATE; TO AMEND SECTION 7‑15‑320, AS AMENDED, RELATING TO PERSONS QUALIFIED TO VOTE BY ABSENTEE BALLOT, SO AS TO PROVIDE THAT MEMBERS OF THE ARMED SERVICES, THEIR SPOUSES, AND THEIR DEPENDENTS MUST BE PERMITTED TO VOTE BY ABSENTEE BALLOT IN ALL ELECTIONS, REGARDLESS OF WHETHER THEY ARE ABSENT FROM THEIR COUNTY OF RESIDENCE ON ELECTION DAY; TO AMEND SECTION 25‑1‑350, RELATING TO THE POWERS AND DUTIES OF THE ADJUTANT GENERAL, SO AS TO PROVIDE THAT THE ADJUTANT GENERAL MAY AUTHORIZE NATIONAL GUARD PERSONNEL TO SUPPORT AND ASSIST THE NATIONAL GUARD ASSOCIATION OF SOUTH CAROLINA AND THE SOUTH CAROLINA NATIONAL GUARD FOUNDATION IN CERTAIN MISSIONS; AND BY ADDING SECTION 51‑13‑880 SO AS TO ALLOW MEMBERS OF THE USS LAFFEY ASSOCIATION WHO ARE TEMPORARILY PRESENT AT PATRIOT’S POINT TO PERFORM VOLUNTARY MAINTENANCE ON THE USS LAFFEY TO REMAIN ONBOARD THE VESSEL OVERNIGHT IF THE EXECUTIVE DIRECTOR OF THE PATRIOT’S POINT DEVELOPMENT AUTHORITY APPROVES AND HAS DEEMED IT SAFE.

Whereas, the General Assembly finds that the sacrifices of those who serve in the armed services of this great nation deserve our greatest respect, and that we have an obligation to demonstrate our appreciation to these service members and their families in tangible ways; and

Whereas, the General Assembly takes great pride in being home to many military installations, and is greatly appreciative of the tremendously positive impact of these installations and the service members and their families on the economy of the Palmetto State; and

Whereas, the South Carolina General Assembly finds that comprehensive legislation to enhance many quality of life issues for members of the armed forces and their families is very appropriate to demonstrate its appreciation for the sacrifices of members of the armed forces and their families and to demonstrate its appreciation for the enormously positive impact of military installations on the Palmetto State. Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

PART I

Military Family Quality of Life Enhancement Act of 2014

SECTION 1. This act may be known and must be cited as the “Military Family Quality of Life Enhancement Act of 2014”.

PART II

Property Taxes

SECTION 2. A. Article 1, Chapter 1, Title 3 of the 1976 Code is amended by adding:

“Section 3‑1‑40. There is exempt from ad valorem taxation any real property, and improvements thereon, located within a military base or installation that is used or owned by the United States Armed Forces and is used as military housing for military affiliated personnel and their families. Military housing includes ancillary facilities that support the military housing. This exemption continues to apply if the real property is improved, maintained, or leased to a party that would otherwise subject the real property to tax, so long as there is a contractual agreement by and between a branch of the United States Armed Forces and the lessee which requires the lessee to use the property for military housing.”

B. This SECTION takes effect upon approval by the Governor and applies for property tax years beginning after 2013.

PART III

Medicaid Waiver Protections

SECTION 3. Article 1, Chapter 6, Title 44 of the 1976 Code is amended by adding:

“Section 44‑6‑35. In administering home and community‑based waiver programs, the department shall, to the extent possible, maintain the waiver status of an eligible family member of a member of the armed services who maintains his South Carolina state residence, regardless of where the service member is stationed. Consequently, a person on a waiver waiting list would return to the same place on the waiting list when the family returns to South Carolina. Furthermore, the eligible family member previously enrolled in a waiver program and who received active services would be reinstated into the waiver program once Medicaid eligibility is established, upon their return to South Carolina. It is not the intent of this section to authorize services provided outside the South Carolina Medicaid Service Area. These provisions are contingent upon the department receiving federal approval.”

PART IV

Military‑Connected Children’s Welfare Task Force

SECTION 4. Chapter 11, Title 63 of the 1976 Code is amended by adding:

“Article 21

Military‑Connected Children’s Welfare Task Force

Section 63‑11‑2110. (A) There is created the ‘Military‑Connected Children’s Welfare Task Force’ for the purpose of identifying issues related to military‑connected children and opening communication between child welfare agencies of this State and local military installations. The task force shall study issues relating to military‑connected children as the task force may undertake or as may be requested by the General Assembly.

(B) The task force is to be comprised of the following members:

(1) the Director of the Department of Health and Human Services, or his designee;

(2) the Governor, or his designee;

(3) the Speaker of the House of Representatives, or his designee;

(4) the President Pro Tempore of the Senate, or his designee; and

(5) a representative of the Children’s Trust Fund.

(C) The task force shall meet as soon as practicable after the effective date of this act for organizational purposes.

(D) The task force shall submit an annual written report to the General Assembly including recommendations to facilitate and open communication between child welfare agencies of this State and local military installations. The findings and recommendations of the task force shall be posted on the Department of Health and Human Services’ website.

(E) The members of the task force shall serve without compensation and may not receive mileage or per diem.”

PART V

Education

SECTION 5. Section 59‑18‑900 of the 1976 Code, as last amended by Act 282 of 2008, is further amended by adding an appropriately lettered subsection at the end to read:

“( ) The Education Oversight Committee, working with the State Board of Education, is directed to establish a comprehensive annual report concerning the performance of military‑connected children who attend primary, elementary, middle, and high schools in this State. The comprehensive annual report must be in a reader‑friendly format, using graphics whenever possible, published on the state, district, and school websites, and, upon request, printed by the school districts. The annual comprehensive report must address at least attendance, academic performance in reading, math, and science, and graduation rates of military‑connected children.”

SECTION 6. Section 7‑15‑320 of the 1976 Code, as last amended by Act 43 of 2011, is further amended to read:

“Section 7‑15‑320. (A) ~~A qualified elector~~ Qualified electors in any of the following categories must be permitted to vote by absentee ballot in all elections when ~~he is~~ they are absent from ~~his~~ their county of residence on election day during the hours the polls are open, to an extent that it prevents ~~him~~ them from voting in person:

(1) students, their spouses, and dependents residing with them;

(2) ~~members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them;~~

~~(3)~~ persons serving with the American Red Cross or with the United Service Organizations (USO) who are attached to and serving with the Armed Forces of the United States, their spouses, and dependents residing with them;

(~~4~~3) governmental employees, their spouses, and dependents residing with them;

(~~5~~4) persons on vacation (who by virtue of vacation plans will be absent from their county of residence on election day); or

(~~6~~5) overseas citizens.

(B) ~~A qualified elector~~ Qualified electors in any of the following categories must be permitted to vote by absentee ballot in all elections, whether or not ~~he is~~ they are absent from ~~his~~ their county of residence on election day:

(1) physically disabled persons;

(2) persons whose employment obligations require that they be at their place of employment during the hours that the polls are open and present written certification of that obligation to the county registration board;

(3) certified poll watchers, poll managers, county voter registration board members and staff, county and state election commission members and staff working on election day;

(4) persons attending sick or physically disabled persons;

(5) persons admitted to hospitals as emergency patients on the day of an election or within a four‑day period before the election;

(6) persons with a death or funeral in the family within a three‑day period before the election;

(7) persons who will be serving as jurors in a state or federal court on election day;

(8) persons sixty‑five years of age or older; ~~or~~

(9) persons confined to a jail or pretrial facility pending disposition of arrest or trial; or

(10) members of the Armed Forces and Merchant Marines of the United States, their spouses, and dependents residing with them.”

PART VI

Severability and Effective Date

SECTION 7. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 8. Section 25‑1‑350 of the 1976 Code is amended by adding an appropriately numbered item at the end to read:

“( ) in his discretion, authorize National Guard personnel to support and assist the National Guard Association of South Carolina and the South Carolina National Guard Foundation in their missions to promote the health, safety, education, and welfare of South Carolina National Guard personnel and their families.”

SECTION 9. Article 11, Chapter 13, Title 51 of the 1976 Code is amended by adding:

“Section 51‑13‑880. Members of the USS Laffey Association who are temporarily present at Patriot’s Point to perform voluntary maintenance on the USS Laffey may remain onboard the vessel overnight if the Executive Director approves and has deemed it safe to do so.”

SECTION 10. Unless specified otherwise, this act takes effect upon approval by the Governor.

/s/Sen. Thomas C. Alexander /s/Rep. G. Murrell Smith, Jr.

/s/Sen. Gerald Malloy /s/Rep. Chip Limehouse

/s/Sen. Tom Davis /s/Rep. James E. Smith

On Part of the Senate. On Part of the House.

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