**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3235**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Merrill

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Introduced in the House on January 13, 2015

Currently residing in the House Committee on **Judiciary**

Summary: Annexation Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2014 House Prefiled

12/18/2014 House Referred to Committee on **Judiciary**

1/13/2015 House Introduced and read first time ([House Journal‑page 163](file:///h:\HJ%20Archive\2015\01-13-15.docx))

1/13/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 163](file:///h:\HJ%20Archive\2015\01-13-15.docx))

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**VERSIONS OF THIS BILL**

[12/18/2014](file:///p:\pprever\2015-16\3235_20141218.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4‑5‑135 SO AS TO REQUIRE AN ANNEXATION COMMISSION TO PREPARE A PROPOSED BUDGET AND SUBMIT IT TO THE GOVERNOR WITHIN THIRTY DAYS OF THE COMMISSION’S APPOINTMENT; TO AMEND SECTION 4‑5‑130, RELATING TO THE APPOINTMENT OF AN ANNEXATION COMMISSION, SO AS TO ALTER THE COMPOSITION OF THE COMMISSION; TO AMEND SECTION 4‑5‑140, RELATING TO THE EMPLOYMENT OF SURVEYORS TO SURVEY AND MARK LINE ON THE LAND, SO AS TO AUTHORIZE THE UTILIZATION OF PREVIOUS SURVEYS; TO AMEND SECTION 4‑5‑160, RELATING TO AN ANNEXATION COMMISSION’S REPORT, SO AS TO REFERENCE THE CONSTITUTIONAL MEANING OF “INDEBTEDNESS” AND TO PROVIDE AN ANNEXATION COMMISSION A PROCEDURE FOR DOCUMENTATION AND INFORMATION NECESSARY TO DETERMINE ACTUAL INDEBTEDNESS; AND TO AMEND SECTION 59‑17‑20, RELATING TO THE ALTERATION OR DIVISION OF SCHOOL DISTRICTS, SO AS TO REFERENCE THE ALTERATION OF COUNTY LINES PURSUANT TO THE PROVISIONS OF CHAPTER 5, TITLE 4.

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

SECTION 1. Chapter 5, Title 4 of the 1976 Code is amended by adding:

“Section 4‑5‑135. Within thirty days of appointment, the annexation commission shall meet and prepare a proposed budget, which must be submitted to the Governor for approval within five days of the meeting. In the discretion of the Governor, he may:

(1) approve the proposed budget or any portion of it; or

(2) amend the proposed budget or any portion of it.

Expenditures over the budgeted amounts approved by the Governor first must be submitted to and approved by the Governor.”

SECTION 2. Section 4‑5‑130 of the 1976 Code is amended to read:

“Section 4‑5‑130. When a request of a county governing body or a petition as prescribed in Section 4‑5‑120 ~~has been~~ is presented to the Governor for changing the boundary line or lines between two counties, ~~whereby~~ in which a portion of the territory of one county would be annexed to another, the Governor ~~shall~~ within thirty days shall appoint a commission of four persons, two from the territory proposed to be annexed; ~~and two~~ one from the other territory of the county or counties from which ~~such~~ the territory has ~~thereto fore~~ previously been a part; and one from the county into which the territory is proposed to be annexed. ~~Two of the persons, if such are to be found, shall be opponents and two advocates of the proposed change of line.~~”

SECTION 3. Section 4‑5‑140 of the 1976 Code is amended to read:

“Section 4‑5‑140. (A) The commission may contract for the survey and location of the proposed change of line and for ~~such~~ that purpose may employ ~~three competent disinterested surveyors, who are nonresidents of the counties affected, two to be selected by the commission and the third by the two selected by the commission. Such surveyors shall clearly mark the proposed change of line upon the land with due regard to all legal provisions and limitations and certify plats showing such line~~ a professional surveyor as defined by Section 40‑22‑20(29).

(B) To the extent the change of line would involve readily identifiable landmarks such as roads, rivers, and streams, the change of line, or any portion of it involving readily identifiable landmarks, need not be marked or surveyed.

(C) If the area proposed to be annexed has already been surveyed, the commission may, in its discretion, utilize that survey in lieu of having a new survey prepared.

(D) If portions of the area proposed to be annexed have already been surveyed, the commission may, in its discretion, utilize that survey or surveys in lieu of having a new survey of such portions prepared.

(E) A professional surveyor hired by the commission may utilize a Geographic Information System (GIS) Survey, as defined in Section 49‑460.D of the South Carolina Code of Regulations, in lieu of a field or ground survey.

(F) Except as set forth in subsections (B), (C), (D), and (E), a professional surveyor hired by the commission shall mark clearly the proposed change of line upon the land with due regard to all legal provisions and limitations and certify plats showing that line.”

SECTION 4. Section 4‑5‑160 of the 1976 Code is amended to read:

“Section 4‑5‑160. (A) The commission shall carefully investigate all facts relating to the area, population, and assessed property values of the territory proposed to be severed and ~~that~~ the territory remaining, the proximity of the line to ~~any~~ a courthouse, and the proper amount of indebtedness of the county losing area to be assessed to the county gaining ~~such~~ that area, and shall report in writing to the Governor ~~upon~~ all ~~such~~ relevant matters ~~as~~ that the Governor may direct for his information. The commission ~~shall~~ also shall report to the Governor an itemized statement of the expense of the survey and plats.

(B) Pursuant to Section 14(2), Article X of the South Carolina Constitution, ‘indebtedness’ means:

(1) general obligation debt; or

(2) indebtedness payable only from a revenue‑producing project or from a special source.

(C) Upon the commission’s written request, the county or counties in which the property proposed to be annexed lies shall provide documentation or other information necessary for the commission to determine the correct amount of indebtedness of the county losing area to be assessed to the county gaining that area. The county or counties may charge a reasonable fee for responding to a request, but the fee may not exceed one thousand dollars.

(D) If the commission determines that bond counsel is necessary to determine the proper amount of indebtedness of the county losing area to be assessed to the county gaining that area, the commission may utilize bond counsel of the State of South Carolina, bond counsel of the county losing area, or bond counsel of the county gaining area. The State or county providing advice of bond counsel may charge a reasonable fee for responding to a request, but the fee shall not exceed one thousand dollars.”

SECTION 5. Section 59‑17‑20 of the 1976 Code is amended to read:

“Section 59‑17‑20. Unless otherwise expressly provided, the school districts of the various counties ~~shall~~ must not be altered or divided except:

(1) by act of the General Assembly altering county lines, providing for the merger of a part or parts of a county with one or more adjoining counties, or changing boundaries pursuant to the provisions of Chapter 5, Title 4 ~~relating to one or more counties~~; or

(2) by authorization of the county boards of education under the following conditions:

(a) with the written approval of the ~~Senator~~ Senators and the entire House legislative delegation from the county involved;

(b) upon a written petition, signed by at least four fifths of the qualified electors embraced within the limits of each of the school districts involved, which shall state plainly to the county board of education the action petitioned and ~~shall~~ also shall bear the signed certificate of the members of the county board of registration that the number of electors who signed the petition represent at least four fifths of the qualified electors embraced within the limits of each of the school districts involved; or

(c) upon the written petition, signed by at least one third of the qualified electors embraced within the limits of each of the school districts involved, which shall state primarily the action petitioned and shall bear the signed certificate of the members of the county board of registration that the number of the electors who signed the petition represent at least one third of the qualified electors embraced within the limits of each of the school districts involved; if ~~such~~ the consolidation ~~be~~ is approved favorably by a majority of the qualified electors of each of the school districts involved at an election called by the county board of education for ~~the~~ that purpose.”

SECTION 6. This act takes effect upon approval by the Governor.

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