**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3661**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. McCoy

Document Path: l:\council\bills\cc\15461zw19.docx

Companion/Similar bill(s): 669

Introduced in the House on January 17, 2019

Introduced in the Senate on January 14, 2020

Last Amended on May 8, 2019

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

Summary: Special purpose districts

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/17/2019 House Introduced and read first time ([House Journal‑page 9](file:///h:\hj\20190117.docx))

1/17/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 9](file:///h:\hj\20190117.docx))

3/27/2019 House Committee report: Favorable with amendment **Judiciary** ([House Journal‑page 69](file:///h:\hj\20190327.docx))

4/9/2019 House Debate adjourned until Tues., 4‑16‑19 ([House Journal‑page 110](file:///h:\hj\20190409.docx))

4/23/2019 House Debate adjourned until Wed., 4‑24‑19 ([House Journal‑page 43](file:///h:\hj\20190423.docx))

4/24/2019 House Debate adjourned until Thur., 4‑25‑19 ([House Journal‑page 23](file:///h:\hj\20190424.docx))

4/25/2019 House Debate adjourned until Thur., 5‑2‑19 ([House Journal‑page 15](file:///h:\hj\20190425.docx))

5/2/2019 House Debate adjourned until Tues., 5‑7‑19 ([House Journal‑page 25](file:///h:\hj\20190502.docx))

5/7/2019 House Debate adjourned until Wed., 5‑8‑19 ([House Journal‑page 12](file:///h:\hj\20190507.docx))

5/8/2019 House Amended ([House Journal‑page 92](file:///h:\hj\20190508.docx))

5/8/2019 House Requests for debate‑Rep(s).  G.R. Smith, Hiott, D.C. Moss, Daning, Allison, Felder, Clyburn, Forrester, Pendarvis, Erickson, Brown, Bennett, Brawley, Jefferson, R. Williams, Whitmire, Kirby, Calhoon, McCravy, Finlay, W. Newton ([House Journal‑page 92](file:///h:\hj\20190508.docx))

5/8/2019 House Requests for debate removed‑Rep(s).  G. R. Smith, Hiott, D.C. Moss, Allison, Felder, Clyburn, Pendarvis, Erickson, Brown, Bennett, Brawley, Jefferson, R. Williams, Kirby, Calhoon, McCravy, W. Newton ([House Journal‑page 105](file:///h:\hj\20190508.docx))

5/8/2019 House Read second time ([House Journal‑page 108](file:///h:\hj\20190508.docx))

5/8/2019 House Roll call Yeas‑101 Nays‑0 ([House Journal‑page 109](file:///h:\hj\20190508.docx))

5/9/2019 House Read third time and sent to Senate ([House Journal‑page 8](file:///h:\hj\20190509.docx))

1/14/2020 Senate Introduced and read first time

1/14/2020 Senate Referred to Committee on **Judiciary**

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3661&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/17/2019](file:///p:\pprever\2019-20\3661_20190117.docx)

[3/27/2019](file:///p:\pprever\2019-20\3661_20190327.docx)

[5/8/2019](file:///p:\pprever\2019-20\3661_20190508.docx)

AMENDED

May 8, 2019

**H. 3661**

Introduced by Rep. McCoy

S. Printed 5/8/19--H.

Read the first time January 17, 2019.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5‑3‑320 SO AS TO CLARIFY THE MEANING OF THE TERM “CONTIGUOUS” WHEN A MUNICIPALITY THAT IS LOCATED ENTIRELY WITHIN THE BORDERS OF A SPECIAL PURPOSE DISTRICT ANNEXES UNINCORPORATED PROPERTY THAT IS ALSO LOCATED WITHIN THE SAME SPECIAL PURPOSE DISTRICT AS THE ANNEXING MUNICIPALITY.

Amend Title To Conform

Whereas, the Constitution of the State of South Carolina encourages and fosters home rule wherever possible, providing that matters of local interest be decided by the persons most impacted by the decision, and encourages communities of interest to unite together where it is possible to do so; and

Whereas,past annexation practices of some municipalities have created breaks in the contiguity of special purpose districts, resulting in “donut holes”; and

Whereas, special purpose districts often provide local government services across these breaks in contiguity; and

Whereas, when some of the voters in a special purpose district have been incorporated within a municipality, and they continue to vote for the governing board of a district that determines the allocation and cost of local government services, the voters in the unincorporated area of the district are left at a disadvantage because they have no ability to influence the policies of the municipality which may impact the good of the entire district; and

Whereas, allowing residents of unincorporated areas of the special purpose district to annex to the municipality would allow them representation in the municipal government and provide for a greater community of interest; and

Whereas, in Tovey v. City of Charleston, 237 S.C. 475, 484, 117 S.E.2d 872, 875 (1961), the South Carolina Supreme Court held that there is no requirement of compactness or unity or regularity of shape of the boundaries of a municipality and that these matters are best left to the determination of the elected officials and voters of the municipality and the territory proposed to be annexed; and

Whereas, it is a matter best left to the elected officials and voters of the municipality, special purpose district, and the area to be annexed whether the contemplated addition is readily accessible to the municipality or whether the contemplated annexation would cause difficulties in the administration of the affairs of the municipality or special purpose district or result in undue hardship to any citizen. Now, therefore,

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

SECTION 1. Chapter 3, Title 5 of the 1976 Code is amended by adding:

“Section 5‑3‑320. (A) If a municipality is located entirely within the area of a special purpose district and a property in the unincorporated area of the special purpose district would be adjacent with the municipality and share a continuous border but for an intervening break in the contiguity of the area of the special purpose district, then that property is deemed to be contiguous to the municipality and may be annexed to the municipality using the methods provided for in this chapter.

(B) For purposes of this section:

(1) ‘special purpose district’ means any district as defined by Section 4‑8‑10 that has an elected governing body; and

(2) the area of a special purpose district is that area where residents are eligible to vote for the governing body of the special purpose district.

(C) Lawfully permitted outdoor advertising structures annexed under this section must continue to be permitted under the same conditions as existing prior to the annexation. Such structures may be repaired, replaced, or relocated under the permitted uses prior to the annexations.”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑