CHAPTER 1

Consent to Acquisition of Lands by United States Generally

ARTICLE 1

Lands Needed for General Public Purposes

**SECTION 3‑1‑10.** Jurisdiction ceded.

The jurisdiction of the State is hereby ceded to the United States over so much land as is necessary for the public purposes of the United States; provided, that the jurisdiction hereby ceded shall not vest until the United States shall have acquired the title to the lands by grant or deed from the owner thereof and the evidences thereof shall have been recorded in the office where, by law, the title to such land is recorded. The United States is to retain such jurisdiction so long as such lands shall be used for the purposes aforementioned and no longer.

HISTORY: 1962 Code Section 39‑81; 1952 Code Section 39‑81; 1942 Code Section 2048; 1932 Code Section 2048; Civ. C. ‘22 Section 10; Civ. C. ‘12 Section 10; Civ. C. ‘02 Section 9; G. S. 9; R. S. 9; 1871 (14) 535.

**SECTION 3‑1‑20.** Retention of concurrent jurisdiction for service of civil and criminal process.

Such jurisdiction is granted upon the express condition that the State shall retain a concurrent jurisdiction with the United States in and over such lands, so far as that civil process in all cases not affecting the real or personal property of the United States and such criminal or other process as shall issue under the authority of the State against any person charged with crimes or misdemeanors committed within or without the limit of such lands may be executed therein in the same way and manner as if no jurisdiction had been hereby ceded.

HISTORY: 1962 Code Section 39‑82; 1952 Code Section 39‑82; 1942 Code Section 2048; 1932 Code Section 2048; Civ. C. ‘22 Section 10; Civ. C. ‘12 Section 10; Civ. C. ‘02 Section 9; G. S. 9; R. S. 9; 1871 (14) 535.

**SECTION 3‑1‑30.** Exemption from taxation.

All lands and tenements which may be granted to the United States pursuant to the provisions of Section 3‑1‑10 shall be and continue, so long as the same shall be used for the purposes in said section mentioned, exonerated and discharged from all taxes, assessments and other charges which may be imposed under the authority of the State.

HISTORY: 1962 Code Section 39‑83; 1952 Code Section 39‑83; 1942 Code Section 2049; 1932 Code Section 2049; Civ. C. ‘22 Section 11; Civ. C. ‘12 Section 11; Civ. C. ‘02 Section 10; G. S. 10; R. S. 10; 1871 (15) 536.

**SECTION 3‑1‑40.** Property on military base used for military housing exempt from property tax.

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.

HISTORY: 2014 Act No. 289 (S.825), Pt II, Section 2.A, eff June 23, 2014.

Editor’s Note

2014 Act No. 289, Section 2.B, provides as follows:

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

ARTICLE 3

Lands Needed for Customhouses, Courthouses, Post Offices, Arsenals and the Like

**SECTION 3‑1‑110.** General consent of State given to acquisition of lands by United States.

The consent of this State is hereby given, in accordance with the seventeenth clause, eighth section, of the first article of the Constitution of the United States, to the acquisition by the United States by purchase, condemnation, or otherwise of any land in this State required for sites for customhouses, courthouses, post offices, arsenals or other public buildings whatever or any other purposes of the government.

HISTORY: 1962 Code Section 39‑51; 1952 Code Section 39‑51; 1942 Code Section 2042; 1932 Code Section 2042; 1908 (25) 1127.

**SECTION 3‑1‑120.** Jurisdiction over lands acquired by United States; service of process.

(A) Exclusive jurisdiction in and over any land so acquired by the United States pursuant to the consent given by Section 3‑1‑110 shall be, and the same is hereby, ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this State. The jurisdiction so ceded shall continue no longer than the United States shall own such lands.

(B) The United States may accept exclusive jurisdiction or concurrent jurisdiction in and over any federal correction facility so acquired by the United States pursuant to the consent given by Section 3‑1‑110 which shall be, and the same is hereby, ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this State. The jurisdiction so ceded shall continue no longer than the United States shall own such federal correction facilities.

HISTORY: 1962 Code Section 39‑52; 1952 Code Section 39‑52; 1942 Code Section 2042; 1932 Code Section 2042; 1908 (25) 1127; 1994 Act No. 460, Section 1, eff June 16, 1994.

Effect of Amendment

The 1994 amendment designated the first paragraph, which formerly constituted the entirety of the section, as subsection (A), and added subsection (B).

**SECTION 3‑1‑130.** Acquisition by United States of title to lands as prerequisite to vesting of jurisdiction ceded by State.

The jurisdiction ceded in any case pursuant to Section 3‑1‑120 shall not vest until the United States shall have acquired the title to any such lands by purchase, condemnation or otherwise.

HISTORY: 1962 Code Section 39‑53; 1952 Code Section 39‑53; 1942 Code Section 2042; 1932 Code Section 2042; 1908 (25) 1127.

**SECTION 3‑1‑140.** Exemption from taxation.

So long as any land acquired by the United States pursuant to the consent given by Section 3‑1‑110 shall remain the property of the United States, and no longer, such lands shall be and continue exempt and exonerated from all State, county and municipal taxation, assessments or other charges which may be levied or imposed under the authority of this State.

HISTORY: 1962 Code Section 39‑54; 1952 Code Section 39‑54; 1942 Code Section 2042; 1932 Code Section 2042; 1908 (25) 1127.

**SECTION 3‑1‑150.** Acceptance of relinquishment of United States jurisdiction by Fiscal Accountability Authority.

Whenever a duly authorized official or agent of the United States, acting pursuant to authority conferred by the Congress, notifies the State Fiscal Accountability Authority or any other State official, department or agency, that the United States desires or is willing to relinquish to the State the jurisdiction, or a portion thereof, held by the United States over the lands designated in such notice, the State Fiscal Accountability Authority may, in its discretion, accept such relinquishment. Such acceptance may be made by sending a notice of acceptance to the official or agent designated by the United States to receive such notice of acceptance. The State Fiscal Accountability Authority shall send a signed copy of the notice of acceptance, together with the notice of relinquishment received from the United States, to the Secretary of State, who shall maintain a permanent file of the notices.

Upon the sending of the notice of acceptance to the designated official or agent of the United States, the State shall immediately have such jurisdiction over the lands designated in the notice of relinquishment as the notice shall specify.

The provisions of this section shall apply to the relinquishment of jurisdiction acquired by the United States under the provisions of Sections 3‑1‑110 and 3‑1‑120.

HISTORY: 1962 Code Section 39‑141; 1974 (58) 2673.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), effective July 1, 2015.

ARTICLE 5

Lands Needed for Lighthouses, Beacons and Other Navigational Aids

**SECTION 3‑1‑310.** Power of Governor to convey or cede tracts.

Whenever the United States desires to acquire title to land belonging to the State and covered by the navigable waters of the United States, within the limits thereof, for the site of a lighthouse, beacon or other aid to navigation and application is made by a duly authorized agent of the United States, describing the site required for one of the purposes aforesaid, the Governor may convey the title to the United States and cede to the United States jurisdiction over such land; provided, that no single tract so conveyed shall contain more than ten acres.

HISTORY: 1962 Code Section 39‑71; 1952 Code Section 39‑71; 1942 Code Section 2047; 1932 Code Section 2047; Civ. C. ‘22 Section 9; Civ. C. ‘12 Section 9; Civ. C. ‘02 Section 8; G. S. 8; R. S. 8; 1874 (15) 790.

**SECTION 3‑1‑320.** Retention of concurrent jurisdiction for service of civil and criminal process.

The State shall retain concurrent jurisdiction so far that all process, civil or criminal, issuing under the authority of the State, may be executed by the proper officers thereof upon any person amenable to such process within the limits of land so ceded in like manner and to like effect as if this article had never been enacted.

HISTORY: 1962 Code Section 39‑72; 1952 Code Section 39‑72; 1942 Code Section 2047; 1932 Code Section 2047; Civ. C. ‘22 Section 9; Civ. C. ‘12 Section 9; Civ. C. ‘02 Section 8; G. S. 8; R. S. 8; 1874 (15) 790.

ARTICLE 7

Lands Needed for National Forests

**SECTION 3‑1‑410.** Consent of State given to acquisition.

The consent of the State is hereby given to the acquisition by the United States, by purchase, gift or condemnation according to law, of such forest lands or such other property as it may acquire by purchase, deed or otherwise in this State as, in the opinion of the Federal Government, may be needed for the establishment of a national forest service in that region; provided, that unless the consent of the owner of such land is had and obtained, nothing herein contained shall be construed as giving the right to condemn any building, dwelling house or cultivated or pasture land.

But all such national forest land acquisitions shall be confined to (a) the acquisition area boundaries of the existing national forests in this State as such area existed on February 20 1948 and (b) land unsuited or little suited to agriculture, in so far as practical.

HISTORY: 1962 Code Section 39‑91; 1952 Code Section 39‑91; 1942 Code Section 2050; 1932 Code Section 2050; Civ. C. ‘22 Section 12; Civ. C. ‘12 Section 12; Civ. C. ‘02 Section 11; 1901 (23) 609; 1914 (29) 1; 1915 (29) 63; 1948 (45) 1641.

**SECTION 3‑1‑420.** Power of United States over acquired lands.

The United States may adopt such laws and make or provide for the making of such rules and regulations of both civil and criminal nature, and provide punishment for violation thereof, as, in its judgment, may be necessary for the management, control and protection of such lands as may be from time to time acquired by the United States under the provisions of Section 3‑1‑410.

HISTORY: 1962 Code Section 39‑92; 1952 Code Section 39‑92; 1942 Code Section 2050; 1932 Code Section 2050; Civ. C. ‘22 Section 12; Civ. C. ‘12 Section 12; Civ. C. ‘02 Section 11; 1901 (23) 609; Ex. Sess. 1914 (29) 1; 1915 (29) 63.

**SECTION 3‑1‑430.** Retention of concurrent jurisdiction for service of civil and criminal process.

The State shall retain a concurrent jurisdiction with the United States in and over such land so far that civil process in all cases and such criminal process as may issue under the authority of the State against any person charged with the commission of any crime without or within such jurisdiction may be executed thereon in like manner as if this article had not been passed.

HISTORY: 1962 Code Section 39‑93; 1952 Code Section 39‑93; 1942 Code Section 2050; 1932 Code Section 2050; Civ. C. ‘22 Section 12; Civ. C. ‘12 Section 12; Civ. C. ‘02 Section 11; 1901 (23) 609; Ex. Sess. 1914 (29) 1; 1915 (29) 63.

**SECTION 3‑1‑440.** National Forest Land Board.

The South Carolina National Forest Land Board is hereby created to consist of the Governor, the chairman of the Senate committee on agriculture, the chairman of the House committee on agriculture, the director of the South Carolina State extension service at Clemson University and the State Forester.

HISTORY: 1962 Code Section 39‑94; 1952 Code Section 39‑94; 1948 (45) 1641.

**SECTION 3‑1‑450.** Consent of Board to extension of national forests.

There shall be no further expansion of the national forest acquisition boundaries in this State except with the consent of the South Carolina National Forest Land Board.

HISTORY: 1962 Code Section 39‑95; 1952 Code Section 39‑95; 1948 (45) 1641.