CHAPTER 7

Agreements with United States

ARTICLE 1

General Provisions

**SECTION 3‑7‑10.** State and political subdivisions authorized to enter into agreements with United States Government.

The State, the agencies of the State, the governing bodies of the counties and municipalities are authorized to adopt resolutions or ordinances of assurances required by the Secretary of the Army or the Chief of Engineers for the fulfillment of the required items of local cooperation as expressed in the appropriate acts of Congress or congressional documents upon a determination by the State, State agencies, governing bodies of the counties or municipalities that a project will accrue to the general or special benefit of the governing authority, may contract or otherwise commit itself to the United States to provide the necessary interest in lands and all existing structures on the lands, to make contributions of money or property in lieu of providing disposal areas for dredge materials, to hold the United States safe and harmless from damages done or caused to be done or for any claim or demand whatsoever for such damages suffered by or done to any property on which work is being performed and to provide or satisfy any other items or conditions of local cooperation as required by the Secretary of the Army or in the congressional documents covering the particular project.

HISTORY: 1962 Code Section 1‑77; 1973 (58) 432.

CROSS REFERENCES

Interchange of government employees between and among federal, state and local governments, see Sections 8‑12‑10 et seq.

Attorney General’s Opinions

The South Carolina State Ports Authority would be authorized to enter and perform an agreement with the United States Army Corps of Engineers for work on certain dredge disposal facilities in Charleston Harbor which would include the authorization to agree to and perform the obligations in the “Hold and Save” provision of the subject Project Partnership Agreement. S.C. Op.Atty.Gen. (April 6, 2010) 2010 WL 1808721.

ARTICLE 3

Agreements Concerning Federal Reforestation, Resettlement or Rural Rehabilitation Projects

**SECTION 3‑7‑110.** Definitions.

The following definitions shall be applied to the terms used in this article:

(1) “Agreement” shall mean contract and shall include renewals and alterations of a contract;

(2) “Political subdivision” shall mean any agency or unit of this State, corporate or otherwise, which is authorized to levy taxes or empowered to cause taxes to be levied;

(3) “Services” shall mean such public and municipal functions as are performed for property in and persons residing within a political subdivision; and

(4) “Project” shall mean any reforestation project, resettlement project or rural rehabilitation project for resettlement purposes of the United States located within a political subdivision and shall include the persons inhabiting such project.

HISTORY: 1962 Code Section 59‑101; 1952 Code Section 59‑101; 1942 Code Section 2788; 1939 (41) 529.

**SECTION 3‑7‑120.** Counties authorized to agree to perform services for projects and receive payments in lieu of taxes.

The governing body of any county in this State may make requests of the United States, for and on behalf of the county and political subdivisions whose jurisdictional limits are within or coextensive with the limits of the county, for the payment of such sums in lieu of taxes as the United States may agree to pay and may enter into agreements with the United States, in the name of the county, for the performance of services by the county and such political subdivisions for the benefit of a project and for the payment by the United States to the county, in one or more installments, of sums in lieu of taxes.

HISTORY: 1962 Code Section 59‑102; 1952 Code Section 59‑102; 1942 Code Section 2789; 1939 (41) 529.

**SECTION 3‑7‑130.** Agreement shall provide for division of payments; notice thereof.

Each agreement entered into pursuant to Section 3‑7‑120 shall contain the names of the political subdivisions with respect to which it is consummated and a statement of the proportionate share of the payment by the United States to which each political subdivision shall be entitled. The governing body of the county shall immediately notify each political subdivision with respect to which an agreement is entered into of the consummation thereof.

HISTORY: 1962 Code Section 59‑103; 1952 Code Section 59‑103; 1942 Code Section 2790; 1939 (41) 529.

**SECTION 3‑7‑140.** Political subdivisions authorized to act in lieu of counties if United States declines to deal with governing body of county.

If the United States declines to deal with the governing body of a county with respect to any political subdivision whose jurisdictional limits are within or coextensive with the limits of the county or if the jurisdictional limits of a political subdivision lie in more than one county, such political subdivision may make request of the United States for such payments in lieu of taxes as the United States may agree to pay and may enter into an agreement with the United States for the performance by the political subdivision of services for the benefit of a project and for the payment by the United States to the political subdivision, in one or more installments, of sums in lieu of taxes.

HISTORY: 1962 Code Section 59‑104; 1952 Code Section 59‑104; 1942 Code Section 2793; 1939 (41) 529.

**SECTION 3‑7‑150.** Basis of payments of sums in lieu of taxes.

The amount of any payment of sums in lieu of taxes may be based on the estimated costs to each political subdivision, for and on whose behalf an agreement is entered into, of performing services for the benefit of a project during the period of an agreement, after taking into consideration the benefits to be derived by the political subdivision from such project, but shall not be in excess of the taxes which would result to the political subdivision for such period if the real property of the project within the political subdivision were taxable.

HISTORY: 1962 Code Section 59‑105; 1952 Code Section 59‑105; 1942 Code Section 2794; 1939 (41) 529.

**SECTION 3‑7‑160.** Collection by county treasurer.

The governing body of the county shall file one copy of an agreement for a payment of sums in lieu of taxes with the county treasurer. On or before the date on which any payment of sums in lieu of taxes is due the county treasurer shall present a bill to the United States in the name of the county in the amount of such payment. Whenever such payment is received the county treasurer shall issue a receipt therefor, in the name of the county.

HISTORY: 1962 Code Section 59‑106; 1952 Code Section 59‑106; 1942 Code Section 2791; 1939 (41) 529.

**SECTION 3‑7‑170.** Disbursement of funds by county treasurer.

Immediately after receiving a payment in lieu of taxes the county treasurer shall apportion and pay it, without any deduction, to the several political subdivisions, in accordance with the agreement under which the payment was received, notwithstanding any other law controlling the expenditure of county funds.

HISTORY: 1962 Code Section 59‑108; 1952 Code Section 59‑108; 1942 Code Section 2792; 1939 (41) 529.

**SECTION 3‑7‑180.** Deposit of funds by political subdivisions.

All money received by a political subdivision pursuant to Sections 3‑7‑140 and 3‑7‑170 shall be deposited in such fund or funds as may be designated in the agreement and if the agreement does not make such designation the money shall be deposited in such fund or funds as the governing body of such political subdivision shall by appropriate resolution direct.

HISTORY: 1962 Code Section 59‑108.1; 1952 Code Section 59‑108.1; 1942 Code Section 2795; 1939 (41) 529.

**SECTION 3‑7‑190.** Services which political subdivisions are required to furnish.

No provision of this article shall be construed to relieve any political subdivision of this State, in the absence of an agreement for payment of sums in lieu of taxes by the United States as provided in this article, of the duty of furnishing for the benefit of a project all services which the political subdivision usually furnishes to property in, and persons residing within, the political subdivision without a payment in lieu of taxes.

HISTORY: 1962 Code Section 59‑109; 1952 Code Section 59‑109; 1942 Code Section 2796; 1939 (41) 529.