

AMENDMENTS TO THE CONSTITUTION

Article I of Amendments to the Constitution

The General Assembly shall provide by law for the condemnation, through proper official channels, of all lands necessary for the proper drainage of the swamp and low lands of this State, and shall also provide for the equitable assessment of all lands so drained, for the purpose of paying the expenses of such condemnation and drainage. (1900 (23) 571; 1901 (23) 615.)

Article II of Amendments to the Constitution

The General Assembly of this State may enact local or special laws concerning the laying out, opening, altering or working roads or highways, and concerning the providing for the age at which citizens shall be subject to road duty, and concerning drainage. (1904 (24) 676; 1905 (24) 830.)

Article III of Amendments to the Constitution

Section 1. The electors of Charleston County are granted powers to adopt, revise, and amend from time to time a home rule charter. The charter may provide for the consolidation of any and all units of government located in Charleston County and may provide for the consolidation of any and all of the governmental and corporate functions now or hereafter vested in Charleston County, municipal corporations, special districts, townships, school districts, and any other political entities located within the county. The government created by the charter shall have all the powers and rights possessed by the various political entities prior to the approval of the charter, shall acquire any additional powers granted to such units of government by the State, and shall be recognized by the State as a legal political entity, and shall be a body politic and corporate and a political subdivision of the State of South Carolina.

Before becoming effective, the charter and any revisions thereof and amendments thereto, shall be approved by a majority of the qualified electors of Charleston County voting in an election in which the charter or such revisions or amendments are submitted to the qualified electors of Charleston County; provided, that in the initial election on the question of whether or not the charter shall become effective, the charter must be approved (a) by a majority of all of the voting electors of all incorporated cities, towns and townships, whose votes shall be counted in one group, and (b) by a majority of all of the voting electors of the unincorporated territory of the county where votes shall be counted in another group, and failing such approval the home rule charter shall fail. The General Assembly shall provide for such elections by law which shall require adequate public hearings prior thereto.

The home rule charter consolidating and regulating governments in Charleston County shall be prepared by a charter commission created in a manner designated by law; provided, that not less than seventy-five percent of the membership of the charter commission shall consist of persons representing defined districts on a population basis. The law creating the charter commission shall provide for financial support needed by the charter commission.

The charter shall provide for the election of a governing body from specially defined districts, or from the area at large, or a combination of both. The charter shall provide for the organization of government, the enactment of ordinances protecting the health, safety, morals, and general welfare of the area governed by the charter, and the selection of administrative officials except those whose election is provided for elsewhere in this Constitution who shall continue to be so elected.

The charter may provide for districts within the county for the imposition of taxes, licenses, service charges, fees, and other revenues, for the incurring of bonded indebtedness, and the providing of services.

The charter shall provide for the protection of the creditors and contractual obligations of any governmental unit which may be merged or consolidated by the charter.

The governmental unit created by the charter may issue general obligation bonds upon approval of at least three fifths of the governing body or upon the approval of a majority of the qualified electors of the district or area upon which the taxes are to be imposed voting in an election on the question of issuing such bonds; and incur other forms of indebtedness now or hereafter authorized by the General Assembly for the governments existing prior to consolidation or for the government created under the charter.

The charter shall provide for a system of courts inferior to circuit courts which may hear cases arising from the ordinances enacted by the government established under the charter and exercise all powers now or hereafter granted to magistrates, municipal, or inferior courts by the Constitution and laws of the State.

Except as provided in this section, the charter shall not conflict with the Constitution of South Carolina or general State-wide laws. Upon and after the effective date of the charter, the General Assembly shall have no power to enact local or special laws relating to Charleston County and any and all existing local or special laws relating to Charleston County may be modified or nullified by the governing body.

Section 2. The restrictions and limitations of Article VIII, Section 7 and Article X, Section 5 of the South Carolina Constitution relating to the incurring of bonded debt shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction.

Section 3. The restrictions and limitations of Article X, Section 5, of the South Carolina Constitution requiring uniformity of taxes in respect to persons and property within the jurisdiction of the body imposing the same shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction.

Section 4. The restrictions and limitations of Article X, Section 5 and Article X, Section 6 of the South Carolina Constitution relating to the purposes for which taxes may be levied and bonds issued shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction.

Section 5. The restrictions and limitations of Article II, Section 13 of the South Carolina Constitution relating to special election for bonding municipalities shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction.

Section 6. The restrictions and limitations of Article V, Sections 20 and 21 of the South Carolina Constitution relating to magistrates shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction.

Section 7. The restrictions and limitations of Article VII, Section 11, of the South Carolina Constitution relating to township government shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction.

Section 8. The restrictions and limitations of Article VIII, Section 1 of the South Carolina Constitution relating to organizations and classification of municipal corporations shall not apply to the government created by the home rule charter pursuant to the powers granted to the electors of Charleston County by virtue of the proposed Article III to the Articles of Amendments nor to the territory from time to time under its jurisdiction. (1968 (55) 3401; 1969 (56) 3.)

Editor's Note

Former Section 7 of Article VIII, referred to in section 2 of this article of amendment, existed prior to the revision of that article effected by the amendment ratified by 1973 Act No 63 (1973 (58) 67) and dealt with municipal bonded indebtedness.

Former Section 13 of Article II, referred to in section 5 of this article of amendment, was transferred and renumbered as Section 7B of Article XVII by the amendment ratified by 1971 Act No 277 (1971 (57) 319). Former Section Section 20 and 21 of Article V, referred to in section 6 of this article of amendment, existed prior to the revision of that article effected by the amendment ratified by 1973 Act No 132 (1973 (58) 161). Somewhat similar provisions are presently found in Section 23 of Article V.

Former Section 1 of Article VIII, referred to in section 8 of this article of amendment, existed prior to the revision of that article effected by the amendment ratified by 1973 Act No 63 (1973 (58) 67) and dealt with organization and classification of municipal corporations.