

h4272 found 1 time. 

H*4272

Session 115 (2003-2004)

H*4272(Rat #0327, Act #0244 of 2004) General Bill, By Hinson, Altman, Breeland, R. Brown, Dantzler, Gourdine, Hagood, Harrell, Limehouse, Mack, Merrill, Miller, Scarborough, Umphlett and Young

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-3-85 SO AS TO ALTER THE LINES OF BERKELEY AND CHARLESTON COUNTIES BY ANNEXING A CERTAIN PORTION OF CHARLESTON COUNTY TO BERKELEY COUNTY AND MAKE PROVISIONS FOR LEGAL RECORDS; AND TO AMEND SECTION 4-10-330, RELATING TO THE BALLOT QUESTION SUBMITTED TO THE QUALIFIED ELECTORS OF A COUNTY FOR THE APPROVAL OF THE IMPOSITION OF A SALES AND USE TAX IN THE COUNTY AND THE PURPOSES FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED, SO AS TO ADD PUBLIC PARKING GARAGES AND BEACH ACCESS AND BEACH RENOURISHMENT FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED. - ratified title

05/22/03 House Introduced, read first time, placed on calendar
without reference HJ-12

05/27/03 House Read second time HJ-339

05/28/03 House Read third time and sent to Senate HJ-20

05/28/03 Senate Introduced and read first time SJ-13

05/28/03 Senate Referred to Committee on Judiciary SJ-13

02/04/04 Senate Committee report: Favorable Judiciary SJ-41

02/05/04 Senate Read second time SJ-18

02/05/04 Senate Ordered to third reading with notice of
amendments SJ-18

02/05/04 Scrivener's error corrected

02/12/04 Senate Amended SJ-19

02/17/04 Senate Read third time and returned to House with
amendments SJ-11

02/25/04 House Senate amendment amended HJ-48

02/25/04 House Returned to Senate with amendments HJ-49

03/10/04 Senate Non-concurrence in House amendment SJ-15

03/11/04 House House insists upon amendment and conference
committee appointed Reps. Hinson, Limehouse and
Breeland HJ-2

03/24/04 Senate Conference committee appointed Sens. Hutto,
Richardson, Ritchie SJ-13

05/06/04 House Conference report received and adopted HJ-105

05/07/04 Senate Conference report received and adopted SJ-6

05/07/04 Senate Ordered enrolled for ratification SJ-6

05/19/04 Ratified R 327

05/24/04 Signed By Governor

05/27/04 Copies available

05/27/04 Effective date 05/24/04

06/10/04 Act No. 244

VERSIONS OF THIS BILL

5/22/2003

5/22/2003-A
2/4/2004
2/5/2004
2/12/2004
2/25/2004
5/7/2004

H. 4272

(A244, R327, **H4272**)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 4-3-85 SO AS TO ALTER THE LINES OF BERKELEY AND CHARLESTON COUNTIES BY ANNEXING A CERTAIN PORTION OF CHARLESTON COUNTY TO BERKELEY COUNTY AND MAKE PROVISIONS FOR LEGAL RECORDS; AND TO AMEND SECTION 4-10-330, RELATING TO THE BALLOT QUESTION SUBMITTED TO THE QUALIFIED ELECTORS OF A COUNTY FOR THE APPROVAL OF THE IMPOSITION OF A SALES AND USE TAX IN THE COUNTY AND THE PURPOSES FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED, SO AS TO ADD PUBLIC PARKING GARAGES AND BEACH ACCESS AND BEACH RENOURISHMENT FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED.

Whereas, the governing bodies of Berkeley and Charleston Counties have no objection to a change in the county lines of both counties; and

Whereas, Section 7, Article VII of the Constitution of South Carolina, 1895, requires before any county line is altered the question must be submitted to the qualified electors of the territory proposed to be taken from one county and given to another; and

Whereas, at this time there are no inhabitants in the territory proposed to be taken from Charleston County and given to Berkeley County; and

Whereas, the South Carolina Attorney General has issued an opinion, Op. Atty. Gen., 90-67 (November 21, 1990), which concludes that when there are no inhabitants and therefore no qualified electors in the territory being moved from one county to another no election is required to move a county line between two counties. Now, therefore,

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

Charleston area transferred to Berkeley County

SECTION 1. Chapter 3, Title 4 of the 1976 Code is amended by adding:

"Section 4-3-85. (A)(1) The following described portion of Charleston County is transferred and annexed to Berkeley County:

All that area, approximately 4.04 acres, now lying in the County of Charleston and identified as a portion of TMS #487-00-00-026 located adjacent to Crowfield Plantation Development and shown on a map prepared by ADC Engineer, Inc., designated as Job #02227 and dated December 4, 2002.

(2) The proper proportion of the existing Charleston County indebtedness of the area transferred must be assumed by Berkeley County.

(B) Upon application, the clerk of court, register of deeds, sheriff, and probate judge of Charleston County shall furnish certified copies of any judgment roll, entry on abstract of judgment book, will, record, execution, decree, deed, mortgage, or other papers signed or recorded in the office of such officers, upon payment of proper fees and when this certified copy is filed or recorded in the proper office of Berkeley County, it has the same force and effect in Berkeley County that it had in Charleston County and any record not transferred continues in force and effect, and each has the same force and

effect in Berkeley County as if it had been transferred and made a record in the proper office in Berkeley County."

Sales and use tax, new purposes added for which proceeds may be used

SECTION 2. Section 4-10-330(A)(1) of the 1976 Code, as added by Act 138 of 1997, is amended to read:

"(1) the purpose for which the proceeds of the tax are to be used, which may include projects located within or without, or both within and without, the boundaries of the local governmental entities, including the county, municipalities, and special purpose districts located in the county area, and may include the following types of projects:

- (a) highways, roads, streets, bridges, and public parking garages and related facilities;
- (b) courthouses, administration buildings, civic centers, hospitals, emergency medical facilities, police stations, fire stations, jails, correctional facilities, detention facilities, libraries, coliseums, or any combination of these projects;
- (c) cultural, recreational, or historic facilities, or any combination of these facilities;
- (d) water, sewer, or water and sewer projects;
- (e) flood control projects and stormwater management facilities;
- (f) beach access and beach renourishment;
- (g) jointly operated projects of the county, a municipality, special purpose district, and school district, or any combination of those entities, for the projects delineated in subitems (a) through (f) of this item;
- (h) any combination of the projects described in subitems (a) through (g) of this item;"

Time effective

SECTION 3. This act takes effect upon approval by the Governor.

Ratified the 19th day of May, 2004.

Approved the 24th day of May, 2004.
