**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3088**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. R.L. Brown

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Companion/Similar bill(s): 453

Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Ways and Means**

Summary: Local government fees

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2008 House Prefiled

12/9/2008 House Referred to Committee on **Ways and Means**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑45

1/13/2009 House Referred to Committee on **Ways and Means** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑46

**VERSIONS OF THIS BILL**

[12/9/2008](file:///p:\pprever\2009-10\3088_20081209.docx)

**A** **BILL**

TO AMEND SECTION 6‑1‑330, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO LIMITATIONS ON FEES IMPOSED BY LOCAL GOVERNMENTS, SO AS TO PROVIDE A LOCAL GOVERNMENT MAY NOT IMPOSE A FEE ON AGRICULTURAL, FOREST, OR UNDEVELOPED LANDS FOR A STORMWATER, SEDIMENT, OR EROSION CONTROL PROGRAM EXCEPT IN SPECIFIC CIRCUMSTANCES, AND TO PROVIDE A PLACE, STRUCTURE, OR BUILDING PRIMARILY USED AS A PLACE OF WORSHIP IS EXEMPT FROM A FEE IMPOSED BY A LOCAL GOVERNMENT FOR A STORMWATER, SEDIMENT, OR EROSION CONTROL PROGRAM.

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

SECTION 1. Section 6‑1‑330 of the 1976 Code is amended to read:

“Section 6‑1‑330. (A) A local governing body, by ordinance approved by a positive majority, is authorized to charge and collect a service or user fee. A local governing body must provide public notice of any new service or user fee being considered and the governing body is required to hold a public hearing on any proposed new service or user fee prior to final adoption of any new service or user fee. Public comment must be received by the governing body prior to the final reading of the ordinance to adopt a new service or user fee. A fee adopted or imposed by a local governing body prior to December 31, 1996, remains in force and effect until repealed by the enacting local governing body, notwithstanding the provisions of this section.

(B) The revenue derived from a service or user fee imposed to finance the provision of public services must be used to pay costs related to the provision of the service or program for which the fee was paid. If the revenue generated by a fee is five percent or more of the imposing entity’s prior fiscal year’s total budget, the proceeds of the fee must be kept in a separate and segregated fund from the general fund of the imposing governmental entity.

(C) If a governmental entity proposes to adopt a service or user fee to fund a service that was previously funded by property tax revenue, the notice required pursuant to Section 6‑1‑80 must include that fact in the text of the published notice.

(D) The local governing body of a county may not impose a fee on agricultural lands, forest lands, or undeveloped lands for a stormwater, sediment, or erosion control program unless Chapter 14, Title 48 allows for the imposition of this fee on those lands.

(E) A place, structure, or building primarily used as a place of worship is exempt from a fee imposed by a local governing body for a stormwater, sediment, or erosion control program.”

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

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