COMMITTEE REPORT

February 4, 2010

**H. 3797**

Introduced by Rep. Harrison

S. Printed 2/4/10--H. [SEC 2/5/10 2:22 PM]

Read the first time March 26, 2009.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3797) to amend the Code of Laws of South Carolina, 1976, by adding Section 6‑11‑2025 so as to provide a procedure by which the governing body of a, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 15, Chapter 11, Title 6 of the 1976 Code is amended by adding:

“Section 6‑11‑2025. (A) Notwithstanding the provisions of this article, the governing body of a special purpose district must be appointed by the governing body of the county in which the district is located if it:

(1) is created by act of the General Assembly;

(2) provides only recreational services; and

(3) has boundaries that consist of the entirety of the unincorporated area of the county.

(B) After the appointment as provided in this section occurs, the governing body of the county may transfer, by ordinance, all assets and liabilities of the district to the county. The district then becomes a department of the county and all powers, duties, and responsibilities of that district must be determined by the governing body of the county. The governing body of the county may reconstitute the board of the district as it determines.

(C) For purposes of calculating the millage limitation imposed pursuant to Section 6‑1‑320 for a county, any millage for operating purposes imposed by the transferred district is considered to have been imposed by the county.”

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

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑11‑2025 SO AS TO PROVIDE A PROCEDURE BY WHICH THE GOVERNING BODY OF A SPECIAL PURPOSE DISTRICT CREATED BY ACT OF THE GENERAL ASSEMBLY, THAT PROVIDES RECREATIONAL SERVICES AND HAS AS ITS BOUNDARY THE SAME AS THE COUNTY IN WHICH IT IS LOCATED, TO DISSOLVE AND TRANSFER ITS ASSETS AND LIABILITIES TO A COUNTY BY RESOLUTION OF THE GOVERNING BODY OF THE COUNTY AND THE LEGISLATIVE DELEGATION OF THE COUNTY; TO REQUIRE THE GOVERNING BODY OF THE COUNTY TO COMPLY WITH THE PROVISIONS OF SECTION 6‑11‑2140; AND TO PROVIDE FOR CALCULATING THE MILLAGE LIMITATION FOR A COUNTY WHEN A SPECIAL PURPOSE DISTRICT TRANSFERS ITS ASSETS AND LIABILITIES TO A COUNTY.

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

SECTION 1. Article 15, Chapter 11, Title 6 of the 1976 Code is amended by adding:

“Section 6‑11‑2025. (A) Notwithstanding the provisions of this article, the assets and liabilities of a special purpose district that:

(1) is created by act of the General Assembly;

(2) provides only recreational services; and

(3) has as its boundary the same as the county in which it is located may be transferred to the governing body of the county in which the special purpose district is located if the governing body of the county, and the legislative delegation for the county each pass resolutions that transfer the special purpose district’s assets and liabilities to the governing body of the county in which the special purpose district is located. The provisions of this section are applicable only if the governing body of the county also adopts a resolution agreeing to comply with the provisions of Section 6‑11‑2140.

(B) For purposes of calculating the millage limitation imposed pursuant to Section 6‑1‑320 for a county, any millage for operating purposes imposed by the dissolved special purpose district is considered to have been imposed by the county.”

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

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