**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4698**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Bingham

Document Path: l:\council\bills\bbm\10521htc12.docx

Introduced in the House on January 31, 2012

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

Summary: Tax increment financing law

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/31/2012 House Introduced and read first time ([House Journal‑page 7](file:///h:\hj%20archive\2012\01-31-12.docx))

1/31/2012 House Referred to Committee on **Ways and Means** ([House Journal‑page 7](file:///h:\hj%20archive\2012\01-31-12.docx))

**VERSIONS OF THIS BILL**

[1/31/2012](file:///p:\pprever\2011-12\4698_20120131.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 31‑6‑85 SO AS TO PROVIDE THAT FOR PURPOSES OF THE TAX INCREMENT FINANCING LAW, A MUNICIPALITY AND ONE OR MORE TAXING ENTITIES MAY AT ANY TIME PROVIDE BY INTERGOVERNMENTAL AGREEMENT THAT THEY SHALL PARTICIPATE IN A REDEVELOPMENT PROJECT ON A PARTIAL AND MODIFIED BASIS; AND TO AMEND SECTION 31‑6‑80, RELATING TO THE SPECIFICS OF THE APPROVAL OF DEVELOPMENT PLANS, SO AS TO SPECIFY THOSE CHANGES THAT ARE ALLOWED IN A REDEVELOPMENT PLAN BEFORE AND AFTER ITS APPROVAL BY ORDINANCE AND THE SPECIFIC REQUIREMENTS NECESSARY TO ACCOMPLISH THE CHANGES.

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

SECTION 1. The General Assembly finds and determines that the legislative findings contained in Section 31‑6‑20 of the 1976 Code remain true and correct as of the effective date of this act. The General Assembly further finds and determines that it would further the purposes of Chapter 6, Title 31 of the 1976 Code, the “Tax Increment Financing Law”, and would be in the public interest, explicitly to confirm the ability of municipalities and one or more taxing districts to provide by intergovernmental agreement for partial or modified participation in a redevelopment project. The General Assembly further finds that such intergovernmental agreements are consistent with and permissible under existing law, and accordingly the purpose of this amendment is explicitly to confirm the validity and enforceability of such intergovernmental agreements, whether entered into before or after the amendments made to the Tax Increment Financing Law by this act. These amendments may not be construed to create a negative implication that any such intergovernmental agreement entered into before the effective date of this act is not valid or enforceable.

SECTION 2. Chapter 6, Title 31 of the 1976 Code is amended by adding:

“Section 31‑6‑85. The municipality and one or more taxing districts may at any time provide by intergovernmental agreement that such taxing district or taxing districts shall participate in a redevelopment project on a partial or modified basis. This intergovernmental agreement becomes effective, and is valid and enforceable for its duration, upon its approval by ordinance enacted by the municipality and by ordinance or resolution, as the case may be, enacted or approved by the affected taxing district or taxing districts.”

SECTION 3. The last two paragraphs of Section 31‑6‑80 of the 1976 Code are amended to read:

“~~Prior to the adoption of an ordinance approving a redevelopment plan pursuant to Section 31‑6‑80, changes may be made in the redevelopment plan which do not alter the exterior boundaries or do not substantially affect the general land use established in the plan or substantially change the nature of the redevelopment project, without further hearing or notice, provided that notice of the changes is given by mail to each affected taxing district and by publication in a newspaper or newspapers of general circulation within the taxing districts not less than ten days prior to the adoption of the changes by ordinance. Notice of the adoption of the ordinance must be published by the municipality in a newspaper having general circulation in the affected taxing districts. Any interested party may, within twenty days after the date of publication of the notice of adoption of the redevelopment plan, but not afterwards, challenge the validity of such adoption by action de novo in the court of common pleas in the county in which the redevelopment plan is located.~~

~~After adoption of an ordinance approving a redevelopment plan, any alteration in the exterior boundaries, general land uses established pursuant to the redevelopment plan, maximum term of maturity of obligations to be issued under the plan, the redevelopment project must be approved by resolution of each affected taxing district in accordance with the procedures provided in this chapter for the initial approval of a redevelopment project and designation of a redevelopment project area. If the redevelopment project or portion of it is to be located outside of the redevelopment project area, the municipality shall by resolution make a specific finding of benefit to the redevelopment project area and provide written notice to the affected taxing district. No further action is required of the municipality~~ Before the adoption of an ordinance approving a redevelopment plan pursuant to Section 31‑6‑80, changes may be made in the redevelopment plan that do not add parcels to or expand the exterior boundaries of the redevelopment project area, do not change the proposed use of the proceeds of the obligations in relationship to the redevelopment plan, and do not extend the maximum amount or term of obligations to be issued under the redevelopment plan, without further hearing or notice, if notice of the changes is given by mail to each affected taxing district and by publication in a newspaper or newspapers of general circulation within the taxing districts no fewer than ten days before the adoption of the changes by ordinance. Notice of the adoption of the ordinance must be published by the municipality in a newspaper having general circulation in the affected taxing districts. Any interested party, within twenty days after the date of publication of the notice of adoption of the redevelopment plan, but not afterwards, may challenge the validity of the adoption by action de novo in the court of common pleas in the county in which the redevelopment plan is located.

After the adoption of an ordinance approving a redevelopment plan pursuant to Section 31‑6‑80, the municipality by ordinance may make changes to the redevelopment plan that do not add parcels to or expand the exterior boundaries of the redevelopment project area, do not change the proposed use of the proceeds of the obligations in relationship to the redevelopment plan, and do not extend the maximum amount or term of obligations to be issued under the redevelopment plan, in accordance with the following procedures:

(a) the municipality shall provide notice of the proposed changes by mail to each affected taxing district. The proposed changes take effect only with respect to affected taxing districts that consent to the proposed changes by resolution of the governing body of the taxing districts; and

(b) the municipality shall publish notice of the adoption of the ordinance in a newspaper having general circulation in the affected taxing districts. Any interested party, within twenty days after the date of publication of the notice of adoption of the redevelopment plan, but not afterwards, may challenge the validity of the adoption by action de novo in the court of common pleas in the county in which the redevelopment plan is located.

After the adoption of an ordinance approving a redevelopment plan pursuant to Section 31‑6‑80, the municipality by ordinance may make changes to the redevelopment plan that add parcels to or expand the exterior boundaries of the redevelopment project area, change the proposed use of the proceeds of the obligations in relationship to the redevelopment plan, or extend the maximum amount or term of obligations to be issued under the redevelopment plan, in accordance with the procedures provided in this chapter for the initial approval of a redevelopment project and designation of a redevelopment project area.

If the redevelopment project or portion of it is to be located outside of the redevelopment project area, the municipality, by resolution, shall make a specific finding of benefit to the redevelopment project area and provide written notice to the affected taxing district. No further action is required of the municipality.”

SECTION 4. The provisions of this act are declared to be severable and if any one or more of the provisions are deemed to be invalid by a court of competent jurisdiction, then the remainder of the provisions are deemed to be of full force and effect and are a full and complete authorization to the extent of this intent.

SECTION 5. This act takes effect upon approval by the Governor.

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