**South Carolina General Assembly**

122nd Session, 2017-2018

**A275, R278, H5154**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Fry and Hewitt

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Introduced in the House on March 20, 2018

Introduced in the Senate on March 27, 2018

Last Amended on April 10, 2018

Passed by the General Assembly on May 9, 2018

Governor's Action: May 18, 2018, Signed

Summary: Horry and Georgetown Counties, annexation of certain property

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/20/2018 House Introduced, read first time, placed on calendar without reference ([House Journal‑page 75](file:///h%3A%5Chj%5C20180320.docx))

 3/21/2018 House Read second time ([House Journal‑page 48](file:///h%3A%5Chj%5C20180321.docx))

 3/21/2018 House Roll call Yeas‑94 Nays‑2 ([House Journal‑page 49](file:///h%3A%5Chj%5C20180321.docx))

 3/22/2018 House Read third time and sent to Senate ([House Journal‑page 12](file:///h%3A%5Chj%5C20180322.docx))

 3/22/2018 Scrivener's error corrected

 3/27/2018 Senate Introduced and read first time ([Senate Journal‑page 12](file:///h%3A%5Csj%5C20180327.docx))

 3/27/2018 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 12](file:///h%3A%5Csj%5C20180327.docx))

 4/9/2018 Senate Recalled from Committee on **Judiciary** ([Senate Journal‑page 3](file:///h%3A%5Csj%5C20180409.docx))

 4/10/2018 Senate Amended ([Senate Journal‑page 40](file:///h%3A%5Csj%5C20180410.docx))

 4/10/2018 Senate Read second time ([Senate Journal‑page 40](file:///h%3A%5Csj%5C20180410.docx))

 4/10/2018 Senate Roll call Ayes‑44 Nays‑0 ([Senate Journal‑page 40](file:///h%3A%5Csj%5C20180410.docx))

 4/11/2018 Scrivener's error corrected

 4/17/2018 Senate Read third time and returned to House with amendments ([Senate Journal‑page 11](file:///h%3A%5Csj%5C20180417.docx))

 4/19/2018 House Debate adjourned until Tues., 4‑24‑18 ([House Journal‑page 52](file:///h%3A%5Chj%5C20180419.docx))

 4/25/2018 House Debate adjourned until Thur., 4‑26‑18 ([House Journal‑page 71](file:///h%3A%5Chj%5C20180425.docx))

 5/1/2018 House Debate adjourned until Wed., 5‑2‑18 ([House Journal‑page 77](file:///h%3A%5Chj%5C20180501.docx))

 5/3/2018 House Debate adjourned until Tues., 5‑8‑18 ([House Journal‑page 29](file:///h%3A%5Chj%5C20180503.docx))

 5/9/2018 House Concurred in Senate amendment and enrolled ([House Journal‑page 55](file:///h%3A%5Chj%5C20180509.docx))

 5/9/2018 House Roll call Yeas‑103 Nays‑0 ([House Journal‑page 56](file:///h%3A%5Chj%5C20180509.docx))

 5/14/2018 Ratified R 278

 5/18/2018 Signed By Governor

 5/25/2018 Effective date 05/18/18

 10/16/2018 Act No. 275

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5154&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/20/2018](file:///p%3A%5Cpprever%5C2017-18%5C5154_20180320.docx)

[3/20/2018-A](file:///p%3A%5Cpprever%5C2017-18%5C5154_20180320A.docx)

[3/22/2018](file:///p%3A%5Cpprever%5C2017-18%5C5154_20180322.docx)

[4/9/2018](file:///p%3A%5Cpprever%5C2017-18%5C5154_20180409.docx)

[4/10/2018](file:///p%3A%5Cpprever%5C2017-18%5C5154_20180410.docx)

[4/11/2018](file:///p%3A%5Cpprever%5C2017-18%5C5154_20180411.docx)

(A275, R278, H5154)

**A JOINT RESOLUTION PROVIDING THAT UPON THE RECEIPT OF RESOLUTIONS BY THE GOVERNING BODIES OF HORRY AND GEORGETOWN COUNTIES REQUESTING THE ANNEXATION OF CERTAIN PARCELS OF REAL PROPERTY MISTAKENLY TREATED AS BEING LOCATED WITHIN HORRY COUNTY ALTHOUGH STATUTORILY DEFINED AS BEING LOCATED WITHIN GEORGETOWN COUNTY, THE GOVERNOR SHALL FORM A COMMISSION TO COMPLY WITH ALL APPLICABLE STATUTORY REQUIREMENTS; PROVIDING THAT UPON RECEIPT OF THE COMMISSION’S REPORT, AN ELECTION MUST BE ORDERED REGARDING THE AREA SOUGHT TO BE ANNEXED; PROVIDING THAT THE GENERAL ASSEMBLY SHALL TAKE CERTAIN POST‑ELECTION ACTIONS; AND PRESERVING CERTAIN MATTERS PENDING THE OUTCOME OF THE ELECTION.**

Whereas, as a result of the misunderstanding by Horry and Georgetown counties regarding the actual Horry‑Georgetown County line, there is an affected area within Georgetown County, consisting of at least one hundred ninety‑nine parcels, whose owners erroneously believe their properties are located in Horry County; and

Whereas, pursuant to the South Carolina Code of Laws, 1976, the governing body of a county can by resolution require that part of such county be merged with an adjoining county; and

Whereas, when presented with a resolution of annexation, the Governor shall appoint a commission to investigate all acts in relation to the potential annexation; and

Whereas, certified plats of the affected area must be drawn and filed with the Secretary of State; and

Whereas, upon completion of the commission’s report, the Governor shall order an election in the area sought to be annexed and transferred; and

Whereas, the General Assembly upon receipt of the certified returns shall alter the lines in accordance with the request of two‑thirds of the qualified voters. Now, therefore,

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

**Horry and Georgetown counties to request annexation**

SECTION 1. Upon receipt of resolutions by the governing bodies of Horry and Georgetown counties to request the annexation of certain parcels of property mistakenly treated as in Horry County although statutorily defined as lying within Georgetown County, the Governor shall form a commission to comply with all applicable statutory requirements.

**Election to be ordered in affected area**

SECTION 2. Upon receipt of the commission’s report and compliance with all statutory requirements, an election must be ordered for all qualified voters in the affected area.

**Post-election actions by General Assembly**

SECTION 3. If approved by two-thirds of the votes casts after submission of the question to the qualified electors of the affected territory proposed to be taken pursuant to SECTION 1, the General Assembly, at its next session, shall provide by law for the alteration of the Horry‑Georgetown County line.

**Preservation of certain matters pending election results**

SECTION 4. Notwithstanding another provision of law, during the pendency of the outcome of the referendum required by this joint resolution and any final action required of the General Assembly pursuant to SECTION 3, it is the General Assembly’s intent not to affect, alter, release, or extinguish any existing actions, rights, duties, practices, penalties, forfeitures, or liabilities resulting from Horry and Georgetown counties’ misinterpretation of the actual Horry‑Georgetown County line as approved by the General Assembly and delineated in Chapter 3, Title 4 of the 1976 Code, and had the General Assembly intended to affect, disturb, or disrupt the status quo regarding any of the foregoing during the pendency of the outcome of the referendum required by this joint resolution, it so expressly would have provided.

**Severability**

SECTION 5. The provisions of this joint resolution are severable. If any section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, or word of this joint resolution is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of the joint resolution, the General Assembly hereby declaring that it would have passed each and every section, subsection, paragraph, subparagraph, item, subitem, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, items, subitems, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

**Time effective**

SECTION 6. This joint resolution takes effect upon approval by the Governor.

Ratified the 14th day of May, 2018.

Approved the 18th day of May, 2018.

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