INTRODUCED

April 25, 2017

**H. 4180**

Introduced by Reps. W. Newton, Erickson, Herbkersman, Bowers, Bradley and M. Rivers

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Read the first time April 25, 2017.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 4‑3‑75 AND 4‑3‑325 SO AS TO ALTER THE BOUNDARY LINES OF BEAUFORT AND JASPER COUNTIES BY ANNEXING A CERTAIN PORTION OF JASPER COUNTY TO BEAUFORT COUNTY AND A CERTAIN PORTION OF BEAUFORT COUNTY TO JASPER COUNTY AND MAKE PROVISIONS FOR LEGAL RECORDS.

Whereas, the governing bodies of Beaufort and Jasper counties have no objection to a change in the county lines of both counties by transferring certain property in Beaufort County to Jasper County and by transferring certain property in Jasper County to Beaufort County; and

Whereas, the governing bodies of both counties by resolution have consented to and approved these adjustments of the boundary lines and attendant annexations; 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 either county and given to the other 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:

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

“Section 4‑3‑75. (A)(1) The following described portion of Jasper County is transferred and annexed to Beaufort County:

All that area consisting of approximately 5.95 acres of land more specifically identified and described on those certain plats of survey prepared by Cornerstone Surveying and Engineering, Inc. for the South Carolina Geodetic Survey, R. David Branton, Professional Land Surveyor, entitled ‘A Plat of a Portion of the Beaufort‑Jasper County Line’ dated June 15, 2016, and being on file in the South Carolina Revenue and Fiscal Affairs Office and recorded in the Beaufort County Register of Deeds Office in Plat Book 145, pages 162‑173, and in the Jasper County Register of Deeds Office in Plat Book 0035, page 0083.

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

(B) Upon application, the clerk of court, register of deeds, sheriff, and probate judge of Jasper 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 Beaufort County, it has the same force and effect in Beaufort County that it had in Jasper County and any record not transferred continues in force and effect, and each has the same force and effect in Beaufort County as if it had been transferred and made a record in the proper office in Beaufort County.”

SECTION 2. Chapter 3, Title 4 of the 1976 Code is amended by adding:

“Section 4‑3‑325. (A)(1) The following described portion of Beaufort County is transferred and annexed to Jasper County:

All that area consisting of approximately 22.34 acres of land more specifically identified and described on those certain plats of survey prepared by Cornerstone Surveying and Engineering, Inc. for the South Carolina Geodetic Survey, R. David Branton, Professional Land Surveyor, entitled ‘A Plat of a Portion of the Beaufort‑Jasper County Line’ dated June 15, 2016, and being on file in the South Carolina Revenue and Fiscal Affairs Office and recorded in the Beaufort County Register of Deeds Office in Plat Book 145, pages 162‑173, and in the Jasper County Register of Deeds Office in Plat Book 0035, page 0083.

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

(B) Upon application, the clerk of court, register of deeds, sheriff, and probate judge of Beaufort 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 Jasper County, it has the same force and effect in Jasper County that it had in Beaufort County and any record not transferred continues in force and effect, and each has the same force and effect in Jasper County as if it had been transferred and made a record in the proper office in Jasper County.”

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

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