~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 22, 2012

**S. 704**

Introduced by Senator S. Martin

S. Printed 2/22/12--S. [SEC 2/23/12 2:52 PM]

Read the first time March 17, 2011.

**THE COMMITTEE ON FINANCE**

To whom was referred a Bill (S. 704) to amend Section 12‑59‑40 of the 1976 Code, relating to the method and terms of sale of forfeited lands, to provide that a county tax collector may, 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. Section 12‑59‑30 of the 1976 Code is repealed.

SECTION 2. Section 12‑59‑40 of the 1976 Code is amended to read:

“Section 12‑59‑40. The forfeited land commissions created in this article for each of the counties of the State shall effect the sale of lands forfeited and bid in for the various forfeited land commissions of the State by the county auditors or the tax collectors of the several counties of the State in pursuance of Section 12‑51‑55. All lands deeded to the forfeited land commission of any county shall be held by it as assets of the county ~~and State~~ and sold to the best interest of the county ~~and State~~. It shall sell and dispose of such lands in such a manner and upon such terms and conditions as to it may appear to be for the best interest of its county, but the terms of sale shall not in any case provide for a longer term than ten years for the full payment of the purchase price of such property and shall be secured by a first real estate mortgage upon the property sold.”

SECTION 3. Section 12‑59‑50 of the 1976 Code is amended to read:

“Section 12‑59‑50. The owner of any property which has been sold for delinquent ~~State and~~ county taxes and which has been bid in by the forfeited land commission may sell all or any part of such property so bid in by the forfeited land commission upon securing the approval, in writing, of the forfeited land commission, if such land has not theretofore been sold by such commission and application for such approval be made to the commission by the owner within five years from the day following the expiration of the period allowed by law to owners to redeem property sold for taxes.”

SECTION 4. Section 12‑59‑70 of the 1976 Code is amended to read:

“Section 12‑59‑70. Should the title have been made by the ~~sheriff~~ tax collector to the forfeited land commission and not theretofore been sold, the forfeited land commission may, if it approve the application of the owner to sell a portion of the property so bid in as provided in this article, execute and deliver to the owner or anyone whom he may designate a deed upon payment of the amount as provided in Section 12‑59‑60.”

SECTION 5. Section 12‑59‑80 of the 1976 Code is amended to read:

“Section 12‑59‑80. The forfeited land commission may assign its bids at any time before title deed being made pursuant to sale, provided the consideration to be paid for such assignments shall not be less than the amount of taxes, penalties and costs for which the property was sold. The chairman or his designee may accept sealed bids for assignments of the Forfeited Land Commission bids for a designated time period. Assignments not made during this time may then be assigned on a first come, first served basis. A list of available Forfeited Land Commission properties is to be maintained at an assigned location as determined by the county forfeited land commission.”

SECTION 6. Section 12‑59‑90 of the 1976 Code is amended to read:

“Section 12‑59‑90. All deeds for lands sold under the authority of Section 12‑59‑40 shall be made by the forfeited land commission of the county holding title thereto or by a majority of the members thereof and all conveyances heretofore made to and by the several forfeited land commissions, or by a majority of the members thereof, are declared valid and of full force and effect and to have been made in accordance with the provisions of this section. The forfeited land commission of any county, or a majority of the members thereof, may require the ~~sheriff~~ tax collector or other officer authorized by law to execute a deed to any land which may be bid in by the county auditor to convey such land to any purchaser to whom it may be sold by such forfeited land commission, or a majority of the members thereof, after such land has been bid in by the county auditor and before it has been conveyed to the forfeited land commission, and all conveyances of real property heretofore made by the ~~sheriff~~ tax collector or other officer authorized by law to execute such conveyances pursuant to authority and direction of any forfeited land commission, or a majority of the members thereof, are declared valid and effectual to convey title according to their respective terms, notwithstanding that they may have been made by the ~~sheriff~~ tax collector or other officer pursuant to authority or direction of only a majority of the members of any such commission.”

SECTION 7. Section 12‑59‑100 of the 1976 Code is amended to read:

“Section 12‑59‑100. The proceeds of any such sales shall be turned over by such forfeited land commission to the county treasurer. And the county treasurer shall~~, at the close of his fiscal year, divide~~ deposit such funds, after deducting the expense warrants as drawn on him by the forfeited land commission of his county~~, between the county and State in proportion to their respective interests, the county’s part to be placed in~~ into the general county fund ~~and the State’s part to be turned over to the State Budget and Control Board to be applied to reduction of the State debt~~. If any tract of land is sold for less than the taxes and penalties due thereon the proceeds of such sale shall be divided between the ~~State and~~ county and taxing entities in the proportion of the amount of taxes and penalties due each of them.”

SECTION 8. Article 1, Chapter 59, Title 12 of the 1976 Code is amended by adding:

“Section 12‑59‑85. After land has been bid in by the county auditor and before it has been conveyed to the county’s forfeited land commission, the forfeited land commission or a majority of its members may refuse to accept title to the property if the commission determines that to accept title would be against the interest of the public.”

SECTION 9. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

HUGH K. LEATHERMAN, SR. for Committee.

**A** **BILL**

TO AMEND SECTION 12‑59‑40 OF THE 1976 CODE, RELATING TO THE METHOD AND TERMS OF SALE OF FORFEITED LANDS, TO PROVIDE THAT A COUNTY TAX COLLECTOR MAY BID IN FOR THAT COUNTY’S FORFEITED LAND COMMISSION ON PROPERTY SOLD FOR NONPAYMENT OF AD VALOREM TAXES AND TO PROVIDE THAT LANDS DEEDED TO THE COMMISSION ARE ONLY COUNTY ASSETS, NOT STATE ASSETS, AND MUST BE SOLD TO THE BEST INTEREST OF THE COUNTY, NOT THE COUNTY AND THE STATE; TO AMEND SECTION 12‑59‑50, RELATING TO THE APPLICATION TO THE COMMISSION FOR APPROVAL TO SELL FORFEITED LAND BY THE FORMER OWNER, TO REMOVE REFERENCES TO DELINQUENT STATE TAXES; TO AMEND SECTION 12‑59‑70, RELATING TO THE CONVEYANCE OF PROPERTY BY THE COMMISSION OF FORFEITED LAND SOLD BY THE FORMER OWNER, TO PROVIDE THAT THE COUNTY TAX COLLECTOR, RATHER THAN THE SHERIFF, MUST DELIVER THE TITLE TO THE FORFEITED LAND COMMISSION; TO AMEND SECTION 12‑59‑80, RELATING TO THE ASSIGNMENT OF COMMISSION BIDS, TO PROVIDE THAT THE CHAIRMAN OF A COUNTY FORFEITED LAND COMMISSION MAY ACCEPT BIDS FOR ASSIGNMENTS OF THE COMMISSION’S BIDS; TO AMEND SECTION 12‑59‑90, RELATING TO THE EXECUTION OF DEEDS AND VALIDATION OF CERTAIN DEEDS, TO PROVIDE THAT THE COUNTY TAX COLLECTOR MAY EXECUTE A DEED TO THE PURCHASER OF PROPERTY BID IN BY THE COUNTY TAX COLLECTOR FOR THAT COUNTY’S FORFEITED LAND COMMISSION ON PROPERTY SOLD FOR NONPAYMENT OF AD VALOREM TAXES; TO AMEND SECTION 12‑59‑100, RELATING TO THE DISPOSITION OF PROCEEDS FROM THE SALE OF FORFEITED PROPERTY, TO PROVIDE THAT THE NET PROCEEDS MUST GO TO THE COUNTY IN WHICH THE PROPERTY IS LOCATED; AND TO REPEAL SECTION 12‑59‑30.

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

SECTION 1. Section 12‑59‑40 of the 1976 Code is amended to read:

“Section 12‑59‑40. The forfeited land commissions created in this article for each of the counties of the State shall effect the sale of lands forfeited and bid in for the various forfeited land commissions of the State by the county auditors or the county tax collectors of the several counties of the State in pursuance of Section 12‑51‑55. All lands deeded to the forfeited land commission of any county shall be held by it as assets of the county ~~and State~~ and sold to the best interest of the county ~~and State~~. It shall sell and dispose of such lands in such a manner and upon such terms and conditions as to it may appear to be for the best interest of its county, but the terms of sale shall not in any case provide for a longer term than ten years for the full payment of the purchase price of such property and shall be secured by a first real estate mortgage upon the property sold.”

SECTION 2. Section 12‑59‑50 of the 1976 Code is amended to read:

“Section 12‑59‑50. The owner of any property which has been sold for delinquent ~~State and~~ county taxes and which has been bid in by the forfeited land commission may sell all or any part of such property so bid in by the forfeited land commission upon securing the approval, in writing, of the forfeited land commission, if such land has not theretofore been sold by such commission and application for such approval be made to the commission by the owner within five years from the day following the expiration of the period allowed by law to owners to redeem property sold for taxes.”

SECTION 3. Section 12‑59‑70 of the 1976 Code is amended to read:

“Section 12‑59‑70. Should the title have been made by the ~~sheriff~~ tax collector to the forfeited land commission and not theretofore been sold, the forfeited land commission may, if it ~~approve~~ approves the application of the owner to sell a portion of the property so bid in as provided in this article, execute and deliver to the owner or anyone whom he may designate a deed upon payment of the amount as provided in Section 12‑59‑60.”

SECTION 4. Section 12‑59‑80 of the 1976 Code is amended to read:

“Section 12‑59‑80. The forfeited land commission may assign its bids at any time before title deed being made pursuant to sale, provided the consideration to be paid for such assignments shall not be less than the amount of taxes, penalties and costs for which the property was sold. The commission’s chairman, or his designee, may accept sealed bids for assignments of the commission’s bids for a time period established by the commission, not to exceed thirty days. Assignments not made during this time period may be assigned on a first come, first served basis. A list of available commission properties must be maintained by the commission and available for distribution and viewing by the public.”

SECTION 5. Section 12‑59‑90 of the 1976 Code is amended to read:

“Section 12‑59‑90. All deeds for lands sold under the authority of Section 12‑59‑40 shall be made by the forfeited land commission of the county holding title thereto or by a majority of the members thereof and all conveyances heretofore made to and by the several forfeited land commissions, or by a majority of the members thereof, are declared valid and of full force and effect and to have been made in accordance with the provisions of this section. The forfeited land commission of any county, or a majority of the members thereof, may require the ~~sheriff~~ county tax collector or other officer authorized by law to execute a deed to any land which may be bid in by the county ~~auditor~~ tax collector to convey such land to any purchaser to whom it may be sold by such forfeited land commission, or a majority of the members thereof, after such land has been bid in by the county ~~auditor~~ tax collector and before it has been conveyed to the forfeited land commission, and all conveyances of real property heretofore made by the ~~sheriff~~ county tax collector or other officer authorized by law to execute such conveyances pursuant to authority and direction of any forfeited land commission, or a majority of the members thereof, are declared valid and effectual to convey title according to their respective terms, notwithstanding that they may have been made by the ~~sheriff~~ county tax collector or other officer pursuant to authority or direction of only a majority of the members of any such commission.”

SECTION 6. Section 12‑59‑100 of the 1976 Code is amended to read:

“Section 12‑59‑100. The proceeds of any such sales shall be turned over by such forfeited land commission to the county treasurer. And the county treasurer shall~~, at the close of his fiscal year,~~ divide such funds, after deducting the expense warrants as drawn on him by the forfeited land commission of his county, ~~between the county and State in proportion to their respective interests,~~ the county’s ~~part~~ net proceeds to be placed in the general county fund ~~and the State’s part to be turned over to the State Budget and Control Board to be applied to reduction of the State debt~~. If any tract of land is sold for less than the taxes and penalties due thereon the proceeds of such sale shall be divided between the ~~State and~~ county and any other taxing entities in the proportion of the amount of taxes and penalties due each of them.”

SECTION 7. Section 12‑59‑30 of the 1976 Code is repealed.

SECTION 8. This act takes effect upon approval by the Governor.

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