**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3399**

**STATUS INFORMATION**

General Bill

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Companion/Similar bill(s): 78

Introduced in the House on January 22, 2015

Currently residing in the House Committee on **Judiciary**

Summary: Forfeited Lands Emergency Development Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/22/2015 House Introduced and read first time ([House Journal‑page 14](file:///h:\HJ%20Archive\2015\01-22-15.docx))

1/22/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 14](file:///h:\HJ%20Archive\2015\01-22-15.docx))

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**VERSIONS OF THIS BILL**

[1/22/2015](file:///p:\pprever\2015-16\3399_20150122.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-59-140 SO AS TO ENACT THE “FORFEITED LANDS EMERGENCY DEVELOPMENT ACT”, TO PROVIDE FOR THE AUTHORITY OF COUNTY COUNCILS AND FORFEITED LAND COMMISSIONS TO PETITION LEGISLATIVE DELEGATIONS FOR THE USE OF THE SPECIAL AUTHORITIES WHEN CERTAIN FORFEITED LANDS HAVE A SIGNIFICANT ADVERSE EFFECT.

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

SECTION 1. This act may be referred to and cited as the “Forfeited Lands Emergency Development Act.”

SECTION 2. Article 1, Chapter 59, Title 12 of the 1976 Code is amended by adding:

“Section 12‑59‑140. (A) The county council and the forfeited land commission of a county may petition its legislative delegation for authority to use the procedures provided for in this section when the number and percentage of subdivided properties in the county that have been bid into the commission have, and are reasonably continued to have:

(1) a significant adverse effect on county ad valorem tax collections that severely affect continued essential public services in the county; or

(2) a significant adverse effect on economic development and employment in the county resulting from the limited number of properties available for sale and improvement.

(B) The petition to the legislative delegation must provide for:

(1) all necessary documentation to support the past and anticipated future adverse impacts, including historical data on the number and percentage of properties bid into the forfeited land commission;

(2) the loss of ad valorem tax revenues associated with these properties;

(3) the impact of any millage increases imposed by the county to compensate for such lost ad valorem tax revenues;

(4) the past and projected future impact on the ability of the county to deliver essential public services; and

(5) the past and projected future impact on county development and employment opportunities.

(C) If a majority of the county’s legislative delegation votes to approve the petition, the county’s forfeited land commission is authorized to utilize the emergency procedures contained in this section for a period not to exceed five years from the date of approval. This authorization may be extended for additional one‑year increments, not to exceed two one‑year extensions. Petitions for extensions must contain the same types of documentation specified in subsection (B).

(D) Notwithstanding any other provision of law:

(1) The forfeited land commission of any county may, at its discretion, establish a revolving fund to pay for its legal and other expenses. This fund shall be established and maintained by the county treasurer from a portion of the proceeds of the sale of forfeited lands in an amount not exceeding fifty percent of the sale price of any forfeited land, in whole or in part. Legal and other expenses for which the funds may be expended may not include compensation to any members of the commission, but may include:

(a) compensation of a secretary to the commission in Section 12‑59‑20;

(b) payment of legal or other expenses in connection with the commission’s decision to accept or reject a forfeited land to be held as an asset of the county;

(c) payment of legal or other expenses in connection with the commission’s decision to obtain clear title to a forfeited land pursuant to Section 12‑61‑10;

(d) payment of a commission to a certified realtor or broker not to exceed three percent of the sales price of any forfeited land, in whole or in part; and

(e) the cost of advertising the sale of forfeited lands, including the cost of any multiple realty listing established or provided by commercial realtors or brokers.

(2) The acquisition of clear title to forfeited lands shall be considered an industrial or commercial development project under Chapter 29, Title 4, for which a county council may issue special revenue bonds for the purpose of initial funding of revolving funds pursuant to this section. Payment of the principal and interest for such bonds may be made from the proceeds of the sale of the forfeited lands.

(3) The forfeited land commission of a county that has established a revolving fund pursuant this section shall dissolve or reduce the amount of funds held by the county treasurer in the fund when it is no longer required for the timely and effective marketing and sale of forfeited lands or the expiration of the authorization of the county’s legislative delegation, whichever occurs first. The released funds will be deposited into the general fund of the county not later than thirty days from the date of decision by the commission or the date of the expiration of the authorization and, if necessary, may be used to complete any payment of principal and interest remaining from the sale of any special revenue bonds used for the initial establishment of the revolving fund.

(4) The authorized representative of a forfeited land commission that elects to clear tax titles pursuant to Section 12‑61‑10 may bring multiple actions to the court of common pleas in a single suit, if all of the properties included in the suit were previously owned by a single, individual, partnership, or corporation.

(5) The payment of the expenses of forfeited land commissions exercising authority pursuant to this section shall include the collection of its expenses as a part of the sale price of forfeited lands by former owners pursuant to Section 12‑59‑60 and the disposition of the proceeds of land sales pursuant to Section 12‑59‑100.

(6) Deductions from ‘value’ pursuant to Section 12‑24‑30(B) shall include any lien or encumbrance on realty in possession of a forfeited land commission which may subsequently be waived or reduced after the transfer under a signed contract or agreement between the lien holder and the buyer existing before the transfer.

(7) Investments by county treasurers pursuant to Section 12‑45‑220(A) may include sums held by the treasurer on behalf of a forfeited land commission pursuant to this section.”

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

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