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RECALLED

June 3, 2015

**H. 3670**

Introduced by Reps. Lowe, Williams and Kirby

S. Printed 6/3/15--S.

Read the first time March 25, 2015.

**A** **BILL**

TO AMEND SECTION 4‑23‑1005, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ORIGINAL AREA OF THE WEST FLORENCE FIRE DISTRICT IN FLORENCE AND DARLINGTON COUNTIES, SO AS TO FURTHER PROVIDE FOR THE DESCRIPTION OF THE ORIGINAL FLORENCE COUNTY PORTION OF THE DISTRICT WITHOUT CHANGING THE BOUNDARIES OF THE DISTRICT AT ITS CREATION; BY ADDING SECTION 4‑23‑1006 SO AS TO ADD ADDITIONAL AREAS IN EITHER FLORENCE OR DARLINGTON COUNTIES TO THE ORIGINAL AREA OF THE DISTRICT; TO AMEND SECTION 4‑23‑1015, RELATING IN PART TO THE MILLAGE LEVY OF THE DISTRICT, SO AS TO STIPULATE WHICH REFERENDUM PROVISIONS CONTROL IN REGARD TO MILLAGE RATE LIMITATIONS; TO AMEND SECTION 4‑23‑1025, RELATING IN PART TO RESTRICTIONS ON DIMINISHING THE AUTHORITY OF THE DISTRICT COMMISSION OR THE AREA OF THE DISTRICT, AND TO THE REAL AND PERSONAL PROPERTY OF THE DISTRICT, SO AS TO PROVIDE THAT CERTAIN PROVISIONS OF LAW IN REGARD TO MUNICIPAL ANNEXATION OF PARTS OF A SPECIAL PURPOSE DISTRICT CONTINUE TO APPLY TO THE WEST FLORENCE FIRE DISTRICT, AND TO FURTHER PROVIDE FOR THE TRANSFER OF CERTAIN REAL AND PERSONAL PROPERTY TO THE DISTRICT; AND TO AMEND SECTION 4‑23‑1040, RELATING TO WHICH POLITICAL SUBDIVISION MAY IMPOSE MILLAGE LEVIES OR FIRE SERVICE FEES IN THE DISTRICT, SO AS TO CLARIFY THE BASIS FOR WHICH THE WEST FLORENCE FIRE DISTRICT ONLY MAY LEVY AD VALOREM PROPERTY TAXES IN THE DISTRICT FOR THE PROVISION OF FIRE OR FIRE PROTECTION SERVICES.

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

SECTION 1. Section 4‑23‑1005 of the 1976 Code, as added by Act 183 of 2014, is amended to read:

“Section 4‑23‑1005. There is created in Florence and Darlington counties the West Florence Fire District (district). It consists of areas of Florence and Darlington counties as follows:

(1) the unincorporated areas of the ~~present~~ West Florence ~~Fire Subdistrict of the Florence County Fire District as established by Act 1817 of 1972~~ Rural Fire District as it existed on May 7, 2014, the introduction date of H.5225 of 2014 (Act 183 of 2014). The General Assembly declares that it intended the original Florence County portion of the West Florence Fire District created by this article to be the unincorporated area of the former West Florence Rural Fire District from which the new district drew its name and from which commissioners were properly elected in 2014 after this article took effect, as provided in Section 4‑23‑1010, and that it has therefore amended the description of the Florence County portion of the West Florence Fire District created by this article without changing the original boundaries of the district at its creation to remove any ambiguity as to the Florence County portion of this new district or to any citations thereto;

(2) the area of Darlington County reflected in the rights of way for Interstate 95 beginning at the boundary line of Florence County and Darlington County and extending northward into Darlington County for approximately three miles to Exit 169. Additionally, areas described by the following Tax Map Sheet numbers in Darlington County also are included in the area of the district:

(a) TMS 218‑14‑01‑013;

(b) TMS 219‑03‑01‑001; and

(c) TMS 219‑03‑01‑002.”

SECTION 2. Article 10, Chapter 23, Title 4 of the 1976 Code is amended by adding:

“Section 4‑23‑1006. In addition to the area of the West Florence Fire District in Florence and Darlington counties as enumerated in Section 4‑23‑1005, there is added to the area of the district that area bounded by the following: beginning at the intersection of Hoffmeyer Road and the Florence‑Darlington County line running in a westerly direction including all parcels on both sides of the road until the intersection of Hoffmeyer Road and Winburn Drive, turning down Winburn Drive running in a southerly direction until the intersection of Winburn Drive and the Florence‑Darlington County line and being bounded on the east by the Florence‑Darlington County line.”

SECTION 3. Section 4‑23‑1015(C) of the 1976 Code, as added by Act 183 of 2014, is amended to read:

“(C) Notwithstanding the provisions of Section 6‑1‑320, the commission is authorized to impose a millage levy after 2014 it considers appropriate and necessary for the operation of the district above that permitted by Section 6‑1‑320 upon a favorable vote of the registered electors of the district in a referendum called for this purpose by the commission held pursuant to the provisions and requirements of Sections 6‑11‑271 and 6‑11‑273.”

SECTION 4. Section 4‑23‑1025 of the 1976 Code, as added by Act 183 of 2014, is amended to read:

“Section 4‑23‑1025. (A) So long as the district is indebted to any person on any bonds, notes, or other obligations issued pursuant to the authority of this article, the provisions of this article and the powers granted to the district and the commission may not be in any way diminished or restricted, and the provisions of this article are considered a part of the contract between the district and the holders of these obligations. However, the provisions of Section 5‑3‑310 supersede any provisions of this section to the contrary and upon annexation of any real property in the area of this district by a municipality, the provisions of Section 5‑3‑310 shall control.

(B) The real and personal property of the ~~present~~ former West Florence ~~Fire Subdistrict of the Florence County Fire District now titled in the subdistrict’s name~~ Rural Fire District shall be transferred to the new West Florence Fire District created by this article. However, the district must assume ~~a portion of the~~ any current indebtedness ~~of the Florence County Fire District~~ attributed to the West Florence Rural Fire District, if any, to be determined by agreement of ~~the Florence County Fire District,~~ the West Florence Fire District Commission, and the governing body of Florence County. The real property on Hoffmeyer Road in the county which the governing body of Florence County has acquired to construct a new fire station ~~for the West Florence Fire Subdistrict~~ also must be transferred to the new district established by this article ~~with the consideration for it to be determined by agreement between the district commission and the governing body of Florence County~~.”

SECTION 5. Section 4‑23‑1040 of the 1976 Code, as added by Act 183 of 2014, is amended to read:

“Section 4‑23‑1040. Upon the establishment of the district, notwithstanding any other provisions of law, no other millage levy or uniform service fee may be imposed in the district by any other political subdivision or entity for the provision of fire services. The provisions of this section shall not be construed as any type of property tax or other type of exemption, but rather a clarification of what property taxes may be imposed in the district and by whom to prevent double or multiple taxation for the same fire protection services.”

SECTION 6. This act takes effect upon approval by the Governor.

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