RECALLED

April 9, 2018

**H. 5154**

Introduced by Reps. Fry and Hewitt

S. Printed 4/9/18--S.

Read the first time March 27, 2018.

**A** **JOINT RESOLUTION**

CALLING FOR A REFERENDUM TO BE CONDUCTED BY THE HORRY COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS AT THE NEXT ELECTION FOR REPRESENTATIVES AMONG THE QUALIFIED ELECTORS OF A TERRITORY PROPOSED TO BE TAKEN FROM GEORGETOWN COUNTY AND GIVEN TO HORRY COUNTY PURSUANT TO SECTION 7, ARTICLE VII, CONSTITUTION OF SOUTH CAROLINA, 1895, PROVIDING IF APPROVED BY TWO‑THIRDS OF THE VOTES CAST, THE GENERAL ASSEMBLY AT ITS NEXT SESSION SHALL PROVIDE BY LAW FOR THE ALTERATION OF THE HORRY‑GEORGETOWN COUNTY LINE, AND PROVIDING THAT NOTWITHSTANDING ANOTHER PROVISION OF LAW, DURING THE PENDENCY OF THE OUTCOME OF THE REFERENDUM REQUIRED BY THIS JOINT RESOLUTION, 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 PROVIDING FURTHER THAT 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.

Whereas, pursuant to Section 7, Article VII, Constitution of South Carolina, 1895, the General Assembly is authorized to alter county lines at any time; however, before a 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 shall have received two‑thirds of the votes cast; and

Whereas, if approved by two‑thirds of the votes cast after submission of the question to the qualified electors of the territory proposed to be taken, the General Assembly at its next session shall provide by law for the alteration of the county lines; and

Whereas, the General Assembly is informed that for many years, Horry and Georgetown counties have recognized a county line that differs from the actual Horry‑Georgetown County line as evidenced by the annexation plat cited in Section 4‑3‑311(B), and as approved by the General Assembly and delineated in Chapter 3, Title 4, Code of Laws of South Carolina, 1976; and

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. Now, therefore,

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

SECTION 1. The Horry County Board of Voter Registration and Elections shall conduct a referendum at the next election for representatives among the qualified electors residing in that portion of Georgetown County affected by 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, Code of Laws of South Carolina, 1976. The question to be submitted to the qualified electors of the affected area is whether or not the qualified electors wish to have that portion of Georgetown County taken from Georgetown County and given to Horry County. The Horry County Board of Voter Registration and Elections shall conduct and supervise the referendum in the same manner governed by the election laws of this State, mutatis mutandis. The board shall frame the question for the ballot, prepare the necessary ballots, appoint managers for the voting precincts, and do all things necessary to carry out the referendum, including the counting of ballots and declaring the results. The board shall advertise the date of the referendum sixty days preceding it in a newspaper of general circulation in the area where the referendum is to be conducted and shall publish a second notice thirty days before the advisory referendum. The cost of the advisory referendum must be paid by Horry County.

SECTION 2. If approved by two‑thirds of the votes cast after submission of the question to the qualified electors of the 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.

SECTION 3. 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 2, 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.

SECTION 4. 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.

SECTION 5. This joint resolution takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑