**A** **BILL**

TO AMEND SECTION 27‑2‑105, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CLARIFICATION OF COUNTY BOUNDARIES, SO AS TO REQUIRE THE SOUTH CAROLINA GEODETIC SURVEY (SCGS) TO NOTIFY CERTAIN PARTIES BEFORE UNDERTAKING ANY ACTION TO CLARIFY A COUNTY BOUNDARY, TO AUTHORIZE THE SOLICITATION OF HISTORICAL RECORDS AND RESEARCH FROM AN AFFECTED PARTY TO AID IN DETERMINING THE COUNTY BOUNDARY, TO REQUIRE THE SCGS TO PROVIDE COPIES OF THE CLARIFIED COUNTY BOUNDARY TO THE ELECTED OFFICIALS OF AN AFFECTED COUNTY AND TO AFFECTED PARTIES, TO EXTEND THE TIME AN AFFECTED PARTY MAY FILE AN APPEAL WITH THE ADMINISTRATIVE LAW COURT FROM SIXTY DAYS TO ONE HUNDRED EIGHTY DAYS, AND TO ESTABLISH THE EFFECTIVE DATE OF THE REVISED BOUNDARY.

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

SECTION 1. Section 27‑2‑105 of the 1976 Code is amended to read:

“Section 27‑2‑105. (A)(1) Where county boundaries are ill‑defined, unmarked, or poorly marked, the South Carolina Geodetic Survey on a cooperative basis shall assist counties in defining and monumenting the locations of county boundaries and positioning the monuments using geodetic surveys. The South Carolina Geodetic Survey (SCGS) shall seek to clarify the county boundaries as defined in Chapter 3, Title 4. The SCGS shall provide notice to the elected officials and administrator of each affected county and the potentially affected parties prior to undertaking any action to clarify the county boundaries. The SCGS shall analyze archival and other evidence and perform field surveys geographically to position all county boundaries in accordance with statutory descriptions. The SCGS must solicit historical records or other historical research from affected parties and use this information to determine the position of the county boundary. Physical and descriptive points defining boundaries must be referenced using South Carolina State Plane Coordinates.

(2) If there is a boundary dispute between two or more counties, the SCGS shall act as the mediator to resolve the dispute.

(3) Prior to reestablishing all or some portion of a county boundary, the SCGS must survey, mark, and map the boundary. The affected counties shall each appoint special commissioners to supervise the surveying, marking, and mapping. An appointed commissioner or person authorized by an appointed commissioner to survey the boundary may enter upon private property to view or survey the land or erect boundary markers. Upon ratification of the survey by the commissioners, the SCGS must undertake the actions provided by law to certify its work and notify the affected parties.

(4) Upon reestablishing all, or some portion, of a county boundary, the SCGS shall certify its work and within thirty days of that certification:

(a) provide copies to the elected officials and administrator of each affected county;

(b) provide written notification and copies to affected parties;

(c) provide notice and copies to the public through its official website and or other means it considers appropriate; and

(d) notify as it determines appropriate, other affected state and federal agencies.

~~(4)~~(5) For purposes of item ~~(1)~~ (4), a certification for all or some portion of a county boundary means a plat signed and sealed by a licensed South Carolina Professional Land Surveyor and approved by the Chief of the SCGS.

(B)(1) An affected party disagreeing with a boundary certified by the SCGS may file a request for a contested case hearing with the South Carolina Administrative Law Court according to the court’s rules of procedure. An affected party has ~~sixty~~ one hundred eighty calendar days from the date of a written notice sent to the affected party to file an appeal with the Administrative Law Court.

(2) As used in this subsection an ‘affected party’ means:

(a) the governing body of an affected county;

(b) the governing body of a political subdivision of this State, including a school district, located in whole or in part in the certification zone;

(c) an elected official, other than a statewide elected official, whose electoral district is located in whole or in part in the certification zone;

(d) a property owner or an individual residing in the certification zone;

(e) a business entity located in the certification zone; or

(f) a nonresident individual who owns or leases real property situated in the certification zone.

(3) A ‘certification zone’ means the actual territory in which the boundary certification changes from one affected county to another.

(4) The decision of the Administrative Law Court may be appealed as provided in Section 1‑23‑610.

(5) The certified county boundary plat described in subsection (A)~~(4)~~(5) of this section takes effect for all purposes on the date provided in item (6).

(6) When the certified boundary plat is no longer subject to appeal, the SCGS under cover of a letter signed by the Chief of the SCGS shall provide an appropriate revised boundary map to the Secretary of State, the South Carolina Department of Archives, and the register of deeds in each affected county. The date of the SCGS director’s cover letter is the date the revised boundaries ~~take effect~~ is final and will take effect on January first of the following year or sixty days after the date of the cover letter, whichever is greater.

(7) When all portions of a county boundary are resolved, the SCGS shall prepare a unique boundary description for counties with boundaries affected by the operation of this section and forward that description in a form suitable for the General Assembly to amend county boundaries as described in Chapter 3, Title 4.

(C) Not withstanding another provision of law, 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 the misinterpretation of the county line during the pendency of the outcome of reestablishing an existing county boundary.

(D) Nothing in this section may be construed as limiting or in any way restricting the plenary authority of the General Assembly by legislative enactment to adjust or otherwise clarify existing county boundaries, however, these boundaries may have been established.”

SECTION 2. This act takes effect upon approval by the Governor.

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