~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 16, 2022

**S. 1031**

Introduced by Senators Campsen, Grooms, Senn, Loftis and Verdin

S. Printed 3/16/22--S.

Read the first time February 1, 2022.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1031) to amend Section 30-5-10 of the 1976 Code, relating to the office of register of deeds, so as to provide qualifications to be eligible to hold the, 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 therein the following:

/ SECTION 1. Chapter 5, Title 30 of the 1976 Code is amended by adding:

“Section 30-5-5. (A) In order to be eligible to serve or continue to serve as the register of deeds, a person must:

(1) be a citizen of the United States and of this State;

(2) be a qualified elector of the applicable county;

(3) have:

(a) a four-year bachelor’s degree from an accredited post-secondary institution, or

(b) at least four years’ experience:

(i) in the fields of law, real estate, or accounting, or

(ii) as an employee in a register of deeds office in this State, or

(iii) as a register of deeds in this State, and

(c) for an appointed register of deeds, a person must comply with any county requirements not conflicting with the qualifications in this section and the Constitution of South Carolina; and

(4) not have a pattern of failing to properly record in the time and manner prescribed in Section 30-5-90.

(B) A quo warranto action may be brought in accordance with Section 15-63-60 to determine a person’s eligibility to seek the position of register of deeds or continue to serve as register of deeds.”

SECTION 2. Section 30-5-90 of the 1976 Code is amended to read:

“Section 30-5-90. The register of deeds is required to record in the order of the times at which they may be brought to his office, all marriage settlements and all conveyances and mortgages, renunciations of dower and other writings concerning the titles to lands situate in his county which may be lodged with him to be recorded if the execution of any such writing shall be proved by affidavit of a subscribing witness, or otherwise, as herein provided. Every such writing shall be recorded within ~~one month~~ thirty days after its lodgment and the recording shall bear even date with the lodgment. On every such writing shall be endorsed a certificate, to be signed by the register or his deputy, specifying the time when and book and page where it was recorded.”

SECTION 3. Section 30-5-5(A)(3)(a) and (b), as added by this act, do not apply to a person who holds the office of register of deeds on the effective date of this act and during his tenure in office.

SECTION 4. If a quo warranto action is brought in accordance with Section 15-63-60 alleging (a) a register of deeds has a pattern of failing to record in the time and manner prescribed in Section 30-5-90, and (b) the pattern of failing to record occurred only prior to the effective date of this act, then the register of deeds may assert as an affirmative defense to the action that, on the date the action is filed and for thirty consecutive days thereafter, no properly delivered and executed document remains unrecorded in the office for more than thirty days after its receipt.

SECTION 5. This act takes effect thirty days after approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

LUKE A. RANKIN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**State Expenditure**

This bill establishes minimum requirements for an individual to qualify for the office of the register of deeds. According to the South Carolina Association of Counties (SCAC), there are six counties who elect a person to serve in the office of the register of deeds.

This bill will have no expenditure impact for the State Election Commission, as this bill does not alter the responsibilities of the agency.

**Local Expenditure**

This bill establishes minimum requirements for an individual to qualify for the office of the register of deeds. These requirements do not apply to any person who holds the office on the effective date of this bill.

According to SCAC, twenty-five counties encompass the responsibilities of the office of the register of deeds within the clerk of court’s office, fifteen counties appoint an individual, and the remaining six counties elect an individual to serve in the office of the register of deeds. Additionally, RFA anticipates this bill will have no local expenditure impact, as each county will be able to review the application to ensure a person meets the minimum requirements of eligibility to hold the office of the register of deeds.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 30-5-10 OF THE 1976 CODE, RELATING TO THE OFFICE OF REGISTER OF DEEDS, SO AS TO PROVIDE QUALIFICATIONS TO BE ELIGIBLE TO HOLD THE OFFICE OF REGISTER OF DEEDS.

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

SECTION 1. Section 30-5-10 is amended by adding appropriately lettered new subsections to read:

“( ) In order to be eligible to hold the office of register of deeds, a person must:

(1) be a citizen of the United States and of this State;

(2) be a qualified elector of the applicable county;

(3) have a four-year bachelor's degree from an accredited post-secondary institution or at least four years' experience in the fields of law, real estate, or accounting, or as an employee in a register of deeds office in this State; and

(4) not have a pattern of failing to properly record in the time and manner prescribed in Section 30-5-90.

( ) A quo warranto action may be brought in accordance with Section 15-63-60 to determine a register of deeds’ eligibility to hold office.”

SECTION 2. Section 30-5-10( )(3), as added by this act, does not apply to a person who holds the office of register of deeds on the effective date of this act.

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

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