~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 28, 2022

**S. 984**

Introduced by Senators Hembree, Massey, Gustafson and Rankin

S. Printed 4/28/22--H.

Read the first time April 19, 2022.

**THE COMMITTEE ON WAYS AND MEANS**

To whom was referred a Bill (S. 984) to amend Section 6‑1‑300, Code of Laws of South Carolina, 1976, relating to definitions pertaining to the authority of local governments to assess taxes and fees, 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 SECTION 4 and inserting:

/ SECTION 4. Notwithstanding Section 8‑21‑30, et seq., no public officer shall be personally liable for any amount charged pursuant to SECTION 1.

SECTION 5. This Act takes effect upon approval by the Governor and applies retroactively to any service or fee imposed after December 31, 1996. /

Renumber sections to conform.

Amend title to conform.

G. MURRELL SMITH, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 6‑1‑300, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS PERTAINING TO THE AUTHORITY OF LOCAL GOVERNMENTS TO ASSESS TAXES AND FEES, SO AS TO PROVIDE THAT A SERVICE OR USER FEE MUST BE USED TO THE NONEXCLUSIVE BENEFIT OF THE PAYERS; AND TO AMEND SECTION 6‑1‑330, RELATING TO A SERVICE OR USER FEE, SO AS TO PROVIDE THAT A PROVISION APPLIES TO AN ENTIRE ARTICLE.

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

SECTION 1. Section 6‑1‑300(6) of the 1976 Code is amended to read:

“(6) ‘Service or user fee’ means a charge required to be paid in return for a particular government service or program ~~made available to the payer that benefits the payer in some manner different from the members of the general public not paying the fee~~. ‘Service or user fee’ also includes ‘uniform service charges’. The revenue generated from the fee must:

(a) be used to the benefit of the payers, even if the general public also benefits;

(b) only be used for the specific improvement contemplated;

(c) not exceed the cost of the improvement; and

(d) be uniformly imposed on all payers.”

SECTION 2. Section 6‑1‑330(A) of the 1976 Code is amended to read:

“(A) A local governing body, by ordinance approved by a positive majority, is authorized to charge and collect a service or user fee. A local governing body must provide public notice of any new service or user fee being considered and the governing body is required to hold a public hearing on any proposed new service or user fee prior to final adoption of any new service or user fee. Public comment must be received by the governing body prior to the final reading of the ordinance to adopt a new service or user fee. A fee adopted or imposed by a local governing body prior to December 31, 1996, remains in force and effect until repealed by the enacting local governing body, notwithstanding the provisions of this ~~section~~ article.”

SECTION 3. Section 6-1-330 of the 1976 Code is amended by adding appropriately lettered new subsections to read:

“( ) A local governing body that repealed a road maintenance fee after June 30, 2021, and subsequently approved a millage increase for road maintenance, must repeal the millage imposed to replace the previous road maintenance fee before reimposing the road maintenance fee.

( ) A local governing body that imposes a user or service fee pursuant to Section 6-1-300(6) must publish the amount of dollars annually collected on each fee on the county’s website.”

SECTION 4. Notwithstanding Section 8-21-30, et seq., no public officer shall be personally liable for any amount charged pursuant to SECTION 1. This SECTION applies retroactively to any service or fee imposed after December 31, 1996.

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