



## LEGISLATIVE UPDATE 4/8/2010

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### \*\*\*URGENT ACTION NEEDED\*\*\*

The State Legislature has been on Easter Furlough and will return next week, Tuesday, April 13, 2010. The Full House Judiciary Committee will meet on Tuesday, April 13, 2010, at 2:30 pm or 1-1/2 upon adjournment, whichever is later, in Room 516 of the Blatt Building in Columbia, SC. Both H.3772 and H.3774 are on the agenda for discussion.

In preparation for this important meeting, please contact members of the House Judiciary Committee (list attached) and request them to support passage of both H.3772 and H.3774...Both bills will help stop aggressive annexation procedures being done by cities.

**H.3772, Rep. Viers**, will allow an SPD to continue providing service following annexation by a city. The bill was given a favorable report by the House Special Laws Subcommittee and will now move forward for debate by the full House Judiciary Committee.

#### A BILL

TO AMEND SECTION [5-3-310](#), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CONTINUATION OF SERVICE BY SPECIAL PURPOSE DISTRICTS FOLLOWING ANNEXATION BY A MUNICIPALITY, SO AS TO PROVIDE FOR THE CONTINUED HEALTH, SAFETY, AND GENERAL WELFARE OF A PERSON AND REAL PROPERTY LOCATED WITHIN THE BOUNDARIES OF THE DISTRICT BEFORE EXTENSION OF CORPORATE LIMITS.

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

SECTION 1. Section [5-3-310](#)(2) of the 1976 Code is amended to read:

"(2) ~~Until~~ Unless the municipality upon reasonable written notice elects to displace the district's service, the district must be allowed to continue providing service demonstrates imminent danger to a person and property within the annexed area, the municipality may not displace the services of a special purpose district as defined in Section [6-11-1610](#) or a special taxing district created pursuant to Section [4-9-30](#) or Chapter 19, Title 4, or an assessment district created pursuant to Chapter 15, Title 6, or another special purpose district or special taxing or assessment district, and shall allow the district to continue providing service and collecting millage within the district's annexed area."

**H.3774, Rep. Viers**, this bill provides that a city may not require annexation as a condition to provide utility service. The bill was given an unfavorable report by the House Special Laws Subcommittee and will now move forward for debate by the full House Judiciary Committee.

#### A BILL

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION [5-3-160](#) SO AS TO PROVIDE THAT A MUNICIPALITY MAY NOT REQUIRE ANNEXATION AS A CONDITION PRECEDENT TO PROVIDING UTILITY SERVICES.

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

SECTION 1. Chapter 3, Title 5 of the 1976 Code is amended by adding:

"Section [5-3-160](#). A city or town may not require annexation of property located outside the corporate limits of the municipality in exchange for providing utility services to the property."