AMENDED

April 10, 2018

**H. 5154**

Introduced by Reps. Fry and Hewitt

S. Printed 4/10/18--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.

Amend Title To Conform

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; and

Whereas, pursuant to the South Carolina Code of Laws, 1976, the governing body of a county can by resolution require that part of such county be merged with an adjoining county; and

Whereas, when presented with a resolution of annexation, the Governor shall appoint a commission to investigate all acts in relation to the potential annexation; and

Whereas, certified plats of the affected area must be drawn and filed with the Secretary of State; and

Whereas, upon completion of the commission’s report, the Governor shall order an election in the area sought to be annexed and transferred; and

Whereas the General Assembly upon receipt of the certified returns shall alter the lines in accordance with the request of two‑thirds of the qualified voters, Now, therefore,

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

SECTION 1. Upon receipt of resolutions by the governing bodies of Horry and Georgetown Counties to request the annexation of certain parcels of property mistakenly treated as in Horry County although statutorily defined as lying within Georgetown County, the Governor shall form a commission to comply with all applicable statutory requirements.

SECTION 2. Upon receipt of the commission’s report and compliance with all statutory requirements, an election must be ordered for all qualified voters in the affected area.

SECTION 3. If approved by two‑thirds of the votes cast after submission of the question to the qualified electors of the affected 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 4. 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 3, 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 5. 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 6. This joint resolution takes effect upon approval by the Governor.

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