

1982 S.C. Op. Atty. Gen. 62 (S.C.A.G.), 1982 S.C. Op. Atty. Gen. No. 82-60, 1982 WL 155029

Office of the Attorney General

State of South Carolina

Opinion No. 82-60

September 10, 1982

***1 SUBJECT: Taxation—Tax Increase for ‘Increased or New Services’ When New Area Annexed**

A taxing entity may increase total tax revenue under § 12–43–290 to fund the cost of furnishing services to a newly-annexed area. The total tax revenue cannot under § 12–43–290 be increased beyond the above, except when increased or new services are provided to all taxpayers of the taxing entity.

TO: Honorable Deborah C. Westbrook
Assistant County Attorney
Greenville County

QUESTION:

Can a taxing entity increase taxes when a new area is annexed?

APPLICABLE LAW:

§ 12–42–290, 1976 Code of Laws

DISCUSSION:

Section 12–43–290 is controlling and provides in part that taxes may be increased to fund the costs of:

‘* * * increased or new services provided the taxpayers of the county, school district, municipality or other political subdivision.’

The term ‘increased or new services’ must be accorded its ordinary and usual meaning.

‘In construing a statute words used should be given their ordinary and popular significance.’ [Hay v. South Carolina Tax Commission](#), 273 S.C. 269, 255 S.E.2d 837.

‘Increase’ usually means to add to, to become greater, augment or enhance. ‘New’ ordinarily is accepted to mean something that has existed but a short time, something that was not there before. [Webster's New Collegiate Dictionary](#).

Services rendered the newly-annexed areas would be ‘increased or new services’ and within the text of the statute. The total tax revenue of the entity may therefore be increased to fund the costs of the services furnished this area.

Unless, however, the taxing entity is to increase or furnish new services to the whole area, the tax revenue cannot under the section be increased beyond that as above stated. Increased or new services would be those in addition to the services furnished the taxpayers of the entity prior to the annexation.

CONCLUSION:

A taxing entity may increase total tax revenue under § 12-43-290 to fund the cost of furnishing services to a newly-annexed area. The total tax revenue cannot under § 12-43-290 be increased beyond the above, except when increased or new services are provided to all taxpayers of the taxing entity.

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