**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 4091**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Sandifer

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Introduced in the House on April 4, 2017

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Pioneer Rural Water District

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/4/2017 House Introduced and read first time ([House Journal‑page 85](file:///h:\hj\20170404.docx))

4/4/2017 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 85](file:///h:\hj\20170404.docx))

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**VERSIONS OF THIS BILL**

[4/4/2017](file:///p:\pprever\2017-18\4091_20170404.docx)

**A** **BILL**

TO AMEND SECTION 6‑13‑230, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE BOARD OF DIRECTORS OF THE PIONEER RURAL WATER DISTRICT OF OCONEE AND ANDERSON COUNTIES, SO AS TO ABOLISH THE EXISTING FIVE‑MEMBER BOARD AND TERMINATE THE TERMS OF ITS MEMBERS, TO RECONSTITUTE THE BOARD TO CONSIST OF SEVEN MEMBERS APPOINTED BY THE GOVERNOR, TO PROVIDE THREE OF THE MEMBERS MUST RESIDE IN OCONEE COUNTY AND TWO MEMBERS MUST RESIDE IN ANDERSON COUNTY, TO PROVIDE ALL MEMBERS MUST RESIDE IN THE SERVICE AREA OF THE DISTRICT, TO PROVIDE THE MEMBERS SERVE SIX‑YEAR TERMS AND UNTIL THEIR SUCCESSORS ARE APPOINTED AND QUALIFIED, TO PROVIDE FOR THE STAGGERING OF TERMS, TO REQUIRE THE RECONSTITUTED BOARD TO IMMEDIATELY MEET AFTER APPOINTMENT TO ORGANIZE AND ELECT OFFICERS, AND TO PROVIDE THE MANNER OF FILLING VACANCIES; AND TO AMEND SECTION 6‑13‑240, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE BOARD, SO AS TO PROVIDE THE DISTRICT MAY NOT CONSTRUCT A WATER TREATMENT FACILITY UNLESS IT CAN PROVE BY CLEAR AND CONVINCING EVIDENCE THAT NO OTHER FEASIBLE OPTION IS AVAILABLE THAT IS ABLE TO MEET THE DEMANDS OF ITS SERVICE AREA.

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

SECTION 1. Section 6‑13‑230 of the 1976 Code, as last amended by Act 276 of 2012, is further amended to read:

“Section 6‑13‑230. (A)~~(1)~~ ~~The district must be operated and managed by a board of directors to be known as the Pioneer Rural Water District Board of Oconee and Anderson Counties which constitutes the governing body of the district. The board must consist of five residents of the district’s service area who are qualified electors of Anderson or Oconee county. Board members serving on this subsection’s effective date shall serve the remainder of their terms pursuant to their appointment and until their successors are elected and qualified. Upon the expiration of the term of each member serving on this subsection’s effective date, the member’s term will be for three years and until a successor is elected and qualified. The members must be elected to represent distinct territories within the district’s service area. A vacancy must be filled for the remainder of the unexpired term.~~

~~(2)~~ ~~Each board member must be elected by the qualified customers of Pioneer Rural Water District who are both (a) residents of the district’s service area and (b) qualified electors of Anderson or Oconee County. For purposes of this section, "resident" is an individual domiciled in Anderson or Oconee County. Each qualified customer is entitled to one vote, provided that only one vote is cast per household.~~

~~(B)~~ ~~Sixty days prior to an election to fill a board member’s seat, a meeting of the qualified customers from the board member’s territory shall be held to nominate an individual or individuals who reside in that territory and are qualified customers with service from the district within that territory. The nominated individual or individuals’ names shall be placed on the ballot at the annual meeting. If more than two persons are nominated, only the two individuals receiving the highest number of votes will have their names placed on the ballot. Notice of a district or territory meeting must be provided as follows: (1) posted in at least one newspaper with general circulation in the district’s service area fifteen days prior to the meeting; (2) posted on Pioneer Rural Water District’s website for at least fifteen days prior to the meeting; and (3) written notice, in a conspicuous font, at least twenty‑four point bold font, included with the water bill to customers eligible to vote in the district or territory meeting, as applicable, for the billing cycle immediately preceding the meeting.~~ The district must be operated and managed by a board of directors to be known as the Pioneer Rural Water District Board of Oconee and Anderson Counties which constitutes the governing body of the district.

(B) On the effective date of this section:

(1) the existing five‑member board is abolished, the five districts are abolished, and the terms of the five members then serving are terminated; and

(2) the board is reconstituted to consist of seven members who:

(a) are appointed by the Governor based on recommendations of the Oconee and Anderson County legislative delegations; and

(b) must reside in the district’s service area, of whom:

(i) three must reside in Oconee County; and

(ii) two must reside in Anderson County.

(C)(1) To create staggered terms for the seven‑member board:

(a) two members initially must be appointed for two‑year terms, with their successors appointed for six‑terms;

(b) two members initially must be appointed for four‑year terms, with their successors appointed for six‑year terms; and

(c) the remaining three members must be appointed for six‑year terms, with their successors appointed for six‑year terms.

(2) After initial appointments, all terms are for six years and until a successor is appointed and qualified.

(D) Immediately after appointment, the seven‑member board shall meet and organize by electing one of its members as chairman, one as vice chairman, one as secretary, and one as treasurer. The offices of the secretary and treasurer may be combined in the discretion of the board.

(E) A board vacancy must be filled for the remainder of the unexpired term by appointment of the Governor in the same manner as provided for the original appointment.”

SECTION 2. Section 6‑13‑240 of the 1976 Code, as last amended by Act 276 of 2012, is further amended by adding an appropriately lettered subsection at the end to read:

“( ) The district shall not construct a water treatment facility unless it can prove by clear and convincing evidence that no other feasible option capable of meeting the demands of its service area is available.”

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

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