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CHAPTER 42

South Carolina Comprehensive Infrastructure Development Act

**SECTION 11‑42‑10.** Short title.

This chapter may be cited as the South Carolina Comprehensive Infrastructure Development Act.

HISTORY: 1997 Act No. 155, Part II, Section 74B.

**SECTION 11‑42‑20.** Legislative purpose.

Comprehensive infrastructure development and planning is vitally important to the State and to its local political subdivisions. The General Assembly, by this chapter, creates a state program and a unit of state government to work with state agencies, regional councils of government, and local political subdivisions to coordinate infrastructure planning, to assist in development of comprehensive regional infrastructure development plans, and to identify and coordinate the funding related to infrastructure development distributed through state agencies in order to maximize efficiency and promote comprehensive infrastructure development planning.

HISTORY: 1997 Act No. 155, Part II, Section 74B.

**SECTION 11‑42‑30.** Definitions.

As used in this chapter:

<Subsection effective until July 1, 2015>

(1) “Board” means the State Budget and Control Board.

<Subsection effective July 1, 2015>

(1) “Board” means the governing board of the Rural Infrastructure Authority.

(2) “County” means any county of this State.

(3) “Division of Regional Development” is a division of the board. This division is be the designated state program for coordination of comprehensive state and regional infrastructure planning.

(4) “Director” is the Director of the Division of Regional Development.

(5) “Executive director” means the executive director of the board.

(6) “Infrastructure” means the basic facilities, services, and installations needed for the functioning of government including, but not limited to, water, sewer, and public sector communications. Infrastructure as used in this chapter does not mean transportation, power delivery systems, health planning and delivery systems, or except for the purposes of public sector communications planning, commercial communication systems.

(7) “Infrastructure Development Plans” means any written proposal by the State, county, municipality, special purpose district or regional council of government that involves development of infrastructure as defined in this chapter. These plans include, but are not limited to, such matters as water and sewerage systems, and communications. The plans must be proposed and prepared pursuant to recommended standards and procedures for the preparation and implementation of infrastructure development plans established in accordance with this chapter by the Division of Regional Development and the Regional Councils of Government. Any plan developed for communications must consider available existing private sector communications facilities, systems, and services.

(8) “Municipality” as described in Section 5‑1‑20 means any city or town which has been issued a certificate of incorporation or which has been created by act of the General Assembly.

(9) “Political subdivision” means any municipality, county, public service district, or special purpose district.

(10) “Regional Councils of Government” are as described in Section 6‑7‑110.

(11) “South Carolina Advisory Commission on Intergovernmental Relations” means the commission created pursuant to Section 1‑27‑10 which, as part of the office of the executive director of the board, researches intergovernmental problems.

(12) “State Advisory Council for Regional Development” or “state council” means the Advisory Council for Regional Development created by this chapter.

(13) “Communications” means public sector communications.

HISTORY: 1997 Act No. 155, Part II, Section 74B; 2014 Act No. 121 (S.22), Pt V, Section 7.W.1, eff July 1, 2015.

**SECTION 11‑42‑40.** Division of Regional Development; director.

<Subsection effective until July 1, 2015>

(A) There is created the Division of Regional Development as a division within the State Budget and Control Board. The division shall report to the executive director of the board.

<Subsection effective July 1, 2015>

(A) There is created the Division of Regional Development as a division within the Rural Infrastructure Authority. The division shall report to the executive director of the board.

(B) The division is managed and directed by a director appointed by the executive director of the board, and who shall serve at the pleasure of the executive director.

HISTORY: 1997 Act No. 155, Part II, Section 74B; 2014 Act No. 121 (S.22), Pt V, Section 7.W.2, eff July 1, 2015.

**SECTION 11‑42‑50.** Responsibilities and powers of division.

The Division of Regional Development is the state program responsible for the creation of a state infrastructure development plan, for the coordination of regional infrastructure development plans, and for the coordination of state programs and resources that impact or affect infrastructure development. To fulfill its public mandate, the division is expressly authorized to perform the following functions and exercise the following powers:

(1) prescribe recommended elements to be included in any comprehensive regional infrastructure development plan;

(2) coordinate and qualify regional infrastructure development plans;

(3) create a state infrastructure development plan through consultation with other appropriate state agencies;

(4) provide training, education, resources and technical assistance to enable and support the efforts of local governments and the Regional Councils of Government to create and develop comprehensive infrastructure development plans;

(5) to participate as a party, as an advocate, or otherwise, in state government and state agency decision‑making processes that impact or affect infrastructure development;

(6) to coordinate relevant state government actions and programs that impact or affect infrastructure development in order to focus and direct these actions and programs to support and assist the development and implementation of the State and regional infrastructure development plans;

(7) to identify and coordinate public funds, regardless of original source, that are expended or distributed by state agencies to help underwrite or support infrastructure development in order that state agency expenditures and distributions of public funds are both consistent with and supportive of state and regional infrastructure development plans; and

(8) to request and receive assistance and support from other state agencies and programs as needed by the division.

HISTORY: 1997 Act No. 155, Part II, Section 74B.

**SECTION 11‑42‑60.** Additional administrative powers.

The division shall function as a division of the State Budget and Control Board and has all administrative and program authority necessary to fulfill its public mandate including, but not limited to, the following powers:

(1) to solicit, receive, and expend public and private funds from any relevant sources and entities in order to carry out the purposes of the division; and

(2) to prescribe and charge fees for its services, which fees must be retained and expended for division purposes.

HISTORY: 1997 Act No. 155, Part II, Section 74B.

**SECTION 11‑42‑60.** Additional administrative powers.

The division shall function as a division of the Rural Infrastructure Authority and has all administrative and program authority necessary to fulfill its public mandate including, but not limited to, the following powers:

(1) to solicit, receive, and expend public and private funds from any relevant sources and entities in order to carry out the purposes of the division; and

(2) to prescribe and charge fees for its services, which fees must be retained and expended for division purposes.

HISTORY: 1997 Act No. 155, Part II, Section 74B; 2014 Act No. 121 (S.22), Pt V, Section 7.W.3, eff July 1, 2015.

**SECTION 11‑42‑80.** State agencies required to make regulatory decisions consistent with state and regional comprehensive infrastructure development plans.

Every state agency and program that licenses, permits, regulates, or otherwise sanctions activities by government entities and programs related to infrastructure development is expressly authorized and required by this chapter to consider and determine whether a respective governmental regulatory decision is consistent with state and regional comprehensive infrastructure development plans.

HISTORY: 1997 Act No. 155, Part II, Section 74B.

**SECTION 11‑42‑90.** Regional Councils of Government to serve as liaisons between Division of Regional Development and state political subdivisions; activities and duties.

(A) The Regional Councils of Government shall serve as liaisons between the Division of Regional Development and the political subdivisions of this State. The Regional Councils of Government, utilizing among other things the infrastructure development plans of the local political subdivisions, shall develop and submit regional comprehensive infrastructure development plans to the Division of Regional Development. The political subdivisions must be encouraged to develop local comprehensive infrastructure development plans. The Regional Councils of Government shall coordinate and assist the political subdivisions in the development of these plans. The Regional Councils of Government also shall undertake and carry out such activities as necessary to assist the Division of Regional Development in coordinating, developing, and implementing a coordinated and comprehensive infrastructure development plan for the State. Such activities may include, but are not limited to, the following:

(1) The Regional Councils of Government shall assist the political subdivisions in creating and developing local comprehensive infrastructure development plans. The political subdivisions shall take into account future developmental needs regarding water and sewer, and communications when developing their plans.

(2) The Regional Councils of Government, utilizing the infrastructure development plans of the respective political subdivisions, among other things, shall assist the Division of Regional Development in coordinated and comprehensive planning on the state level and throughout the State including, but not limited to, assistance in the development of an infrastructure development plan for the State.

(3) The Regional Councils of Government, utilizing the infrastructure development plans of the respective political subdivisions shall assist the Division of Regional Development in defining the state’s long‑term goals, objectives, and priorities and implementing those goals, objectives, and priorities through a coordinated and comprehensive infrastructure development plan.

(B) The Regional Councils of Government shall establish recommended standards and procedures for preparation of local comprehensive infrastructure development plans, for implementation of infrastructure development plans, and for participation in the infrastructure development planning process. Such activities may include, but are not limited to, the following:

(1) As part of such recommended standards and procedures, the Regional Councils of Government shall establish elements which must be addressed and included in the infrastructure development plans of political subdivisions which are prepared as part of the coordinated and comprehensive planning process. These plans shall include, but are not limited to, water and sewer services and communications.

(2) The Regional Councils of Government shall establish recommended standards and procedures which must be used by the political subdivisions in developing, preparing, and implementing their infrastructure development plans. In establishing such standards and procedures, the Regional Councils of Government are authorized to differentiate among the political subdivisions based upon factors which the councils determine merit differentiation, such as total population, density of population, geographic features, the size of tax base, projected growth, the type and character of services furnished by local governments, the size of the budget, need, and other factors.

(3) The Regional Councils of Government, in developing planning procedures with respect to regionally important resources, shall focus on elements of regional districts with respect to developments of regional impact, and encourage interjurisdictional cooperation among the political subdivisions. The councils shall determine, in their judgment for each region, what constitutes developments of regional impact. Such determinations by the councils must be made for each region only after requesting any necessary information from their respective political subdivisions.

(C) The political subdivisions are encouraged to coordinate with and assist the Regional Councils of Government in developing local and regional comprehensive infrastructure development plans. Political subdivisions are encouraged to coordinate with the Regional Councils of Government in the analysis and preparation of these plans. The political subdivisions shall utilize information relating to water and sewer services and communications. Further, data relating to current population and projected growth, tax base, local budget information, geographic factors, other demographics, and other data considered necessary must be utilized by the Regional Councils of Government.

HISTORY: 1997 Act No. 155, Part II, Section 74B.