**South Carolina General Assembly**

118th Session, 2009-2010

**S. 1241**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Cleary

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Introduced in the Senate on March 2, 2010

Currently residing in the Senate Committee on **Judiciary**

Summary: Counties

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/2/2010 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2010\03-02-10.docx)‑14

3/2/2010 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2010\03-02-10.docx)‑14

3/5/2010 Senate Referred to Subcommittee: Cleary (ch), Ford, S.Martin

**VERSIONS OF THIS BILL**

[3/2/2010](file:///p:\pprever\2009-10\1241_20100302.docx)

**A** **BILL**

TO AMEND SECTIONS 6‑11‑410, 6‑11‑420, 6‑11‑435, AS AMENDED, AND 6‑11‑1610, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITIONS USED REGARDING THE AUTHORITY OF THE GOVERNING BODY OF A COUNTY TO ENLARGE, DIMINISH, OR CONSOLIDATE THE BOUNDARIES OF A SPECIAL PURPOSE DISTRICT; THE POWERS OF A COUNTY REGARDING A DISTRICT; THE ALTERATION OF A DISTRICT RESULTING IN OVERLAP, ALL SO AS TO ENLARGE THE SCOPE OF THE POWERS OF A COUNTY TO AFFECT A CHANGE IN THE BOUNDARIES OF A DISTRICT.

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

SECTION 1. Section 6‑11‑410 of the 1976 Code is amended to read:

“Section 6‑11‑410. For the purposes of this article~~, the following terms shall have the following meanings~~:

(a) ‘Special purpose district’ ~~shall mean any~~ means a district, including a Rural Community Water District performing functions prescribed by Chapter 13, Title 6, created by act of the General Assembly ~~prior to~~ before March 7, 1973, and to which has been committed ~~prior to~~ before March 7, 1973, ~~any~~ a local governmental function as further modified by and consistent with Section 6‑11‑1610.

(b) ‘County board’ ~~shall mean~~ means the governing bodies of the several counties of the State ~~as now or hereafter constituted~~.

(c) ‘Commission’ ~~shall mean~~ means the governing body of ~~any~~ a special purpose district ~~as now or hereafter constituted~~.”

SECTION 2. Section 6‑11‑420 of the 1976 Code is amended to read:

“Section 6‑11‑420. The county boards of the several counties of the State are authorized to enlarge, diminish, or consolidate ~~any~~ an existing special purpose ~~districts~~ district located within ~~such~~ that county, including a Rural Community Water District and authorize the issuance of general obligation bonds by ~~such~~ the special purpose district by the procedure prescribed by this article.”

SECTION 3. Section 6‑11‑435 of the 1976 Code, as last amended by Act 81 of 2003, is further amended to read:

“Section 6‑11‑435. (A) For purposes of this section ‘political subdivision’ means a municipality, county, or special purpose district.

(B) A consolidated or enlarged special purpose district which results from action taken pursuant to this chapter may not provide a governmental service to an area within its boundaries to which it has not previously provided ~~such~~ that service if an overlapping political subdivision is authorized to provide that same service in the area and the area is situated within the boundaries of ~~such~~ the overlapping surviving political subdivision without the express authorization of the governing body of ~~such~~ the overlapping political subdivision. The governing body of the county ~~shall~~ expressly shall provide by ordinance that the consolidated or enlarged special purpose district shall not provide a governmental service to an area within its boundaries within which an overlapping political subdivision is authorized to provide that same service.

(C) If the boundaries of a special purpose district which provides waterworks or sewer service are diminished, but not consolidated, in accordance with this article, the special purpose district may continue to provide water or sewer services outside of its diminished boundaries (1) in accordance with its enabling legislation, or (2) if provided by the governing body of the county in the resolution required by Section 6‑11‑460, pursuant to an intergovernmental agreement with one or more political subdivisions authorized to provide the water or sewer service directly.”

SECTION 4. Section 6‑11‑1610 of the 1976 Code is amended to read:

“Section 6‑11‑1610. For the purposes of this ~~article~~ chapter, ‘special purpose district’ means ~~any~~ a district created by an act of the General Assembly or pursuant to general law and which provides ~~any~~ a local governmental power or function including, but not limited to, fire protection, sewerage treatment, water or natural gas distribution, recreation, and means ~~any~~ a rural community water district authorized or created under the provisions of Chapter 13, ~~of~~ Title 6. A special purpose ~~districts do~~ district does not include ~~any~~ a state agency, department, commission, or school district.”

SECTION 5. This act takes effect upon approval by the Governor.

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