**South Carolina General Assembly**

123rd Session, 2019-2020

**S. 756**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Reese

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Introduced in the Senate on April 10, 2019

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

Summary: Public Works Boards and Special Purpose District governing bodies

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/10/2019 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h:\sj\20190410.docx))

4/10/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 8](file:///h:\sj\20190410.docx))

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**VERSIONS OF THIS BILL**

[4/10/2019](file:///p:\pprever\2019-20\756_20190410.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5‑31‑280 SO AS TO COMBINE AND CONSOLIDATE INTO A SINGLE ENTITY THE BOARDS OF COMMISSIONERS OF PUBLIC WORKS AND THE GOVERNING BODIES OF CERTAIN SPECIAL PURPOSE DISTRICTS OR PUBLIC SERVICE DISTRICTS ONLY IN THOSE MUNICIPALITIES THAT HAVE AN ELECTED BOARD OF COMMISSIONERS OF PUBLIC WORKS WHOSE ELECTED MEMBERS SERVE SIMULTANEOUSLY ON THE GOVERNING BODY OF A SPECIAL PURPOSE DISTRICT OR PUBLIC SERVICE DISTRICT THAT PROVIDES SEWERAGE TREATMENT SERVICES TO ALL OR TO A PORTION OF THE SAME SERVICE AREA THAT RECEIVES WATER SERVICE FROM THE MUNICIPALITY, TO PROVIDE FOR THE CONSOLIDATED ENTITY’S POWERS, DUTIES, AND RESPONSIBILITIES, AND TO PROVIDE FOR THE COMPOSITION, ELECTION, AND TERMS OF THE CONSOLIDATED ENTITY’S GOVERNING BOARD OF COMMISSIONERS.

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

SECTION 1. Article 3, Chapter 31, Title 5 of the 1976 Code is amended by adding:

“Section 5‑31‑280. (A) The provisions of this section shall apply only to those municipalities that:

(1) have an elected board of commissioners of public works; and

(2) the elected commissioners of public works simultaneously serve on the governing body of a special purpose district or public service district that provides sewerage treatment services to all or to a portion of the same service area that receives water service from the municipality; however, the members of the special purpose district or the public service district do not sit on the board of commissioners of public works, and they do not participate in water service actions, decisions, or votes.

(B) Notwithstanding another provision of law, within ninety calendar days after the effective date of this section, any municipal board of commissioners of public works and the governing body of any special purpose district, or public service district described in subsection (A) must be combined and consolidated into a single entity that possesses:

(1) the same powers, duties, and responsibilities with respect to purchasing, building, or contracting to build waterworks and furnishing water services as provided in Section 5‑31‑250; and

(2) the same powers, duties, and responsibilities assigned to the governing body of the special purpose district or public service district in the district’s enabling legislation.

(C) The incumbent members of any municipal board of commissioners of public works, special purpose district, or public service district described in subsection (A) and affected by the requirements of this section who are holding office on the effective date of this section shall continue to serve until the expiration of the terms for which they were elected. Upon the expiration of the incumbent members’ terms, their successors must be elected and qualify in a general election conducted pursuant to the provisions of subsection (D). If the terms of the incumbent members’ successors would not already be staggered pursuant to the provisions of this subsection, the county legislative delegation may, by delegation resolution, take appropriate action as needed to stagger the successor members’ initial terms. Upon the expiration of the successor members’ initial terms, all members must be elected to full six‑year terms.

(D)(1) The governing board of the consolidated entity must be known as the ‘Water System Board of Commissioners’, and its membership must be:

(a) equal in number to the combined membership, as provided by law, of the former municipal public works commission and the governing body of the special purpose district or public service district described in subsection (A); however, if this total results in an even number of members, then an additional at‑large member must be elected to the board by the qualified electors who reside in the water system’s service area;

(b) elected in the same manner as the former municipal public works commission; and

(c) elected from election districts to be drawn by the South Carolina Revenue and Fiscal Affairs Office and approved by the county legislative delegation. In establishing the election districts for the water system board of commissioners, the Revenue and Fiscal Affairs Office shall:

(i) ensure there is an equal number of seats representing the municipality as there were on the former municipal public works commission;

(ii) ensure there is an equal number of seats as there were on the former governing body of the special purpose district, or public service district; however, the election districts for these seats must be drawn exclusively from that portion of the service area outside the municipal limits.

(2) Members of the water system board of commissioners must be elected at nonpartisan elections to be conducted pursuant to the nonpartisan municipal election schedule of the former municipal public works commission. Members must be residents of the election districts from which they were elected. Members must be elected for six‑year terms and until their successors are elected and qualify. In the event of a vacancy on the board occurring for any reason other than the expiration of a term, the vacancy must be filled for the remainder of the unexpired term through appointment by the county legislative delegation.

(3) All persons desiring to qualify as a candidate for the water system board of commissioners shall file a nonpartisan statement of intention of candidacy and submit filing fees, if otherwise required, with the county board of voter registration and elections in the county of residency between twelve o’clock noon on the first Friday in July and twelve o’clock noon on the second Tuesday in August, and if either of these dates falls on a legal holiday, Saturday, or Sunday, the time for opening or closing filing extends to twelve o’clock noon on the next regular business day. The county commissioners of voter registration and elections shall conduct and supervise the elections for the water system board of commissioners in the manner governed by the election laws of this State, mutatis mutandis. The results of the elections must be determined by the nonpartisan plurality method contained in Section 5‑15‑61.

(4) The members of the water system board of commissioners shall elect a chairman and other officers the members deem necessary to serve for terms of two years in these capacities.”

SECTION 2. This act takes effect upon approval by the Governor.

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