

## Session 113 - (1999-2000)

### H\*3357 (Rat #0192, Act #0113 of 1999) General Bill, By Fleming, Wilder, Klauber and Hayes

**Similar (S 0459)**

**Summary:** Joint municipal water system, financing pool, coastal beaches; Political Subdivisions, Bonds, Conservation, Schools

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6-25-115 SO AS TO AUTHORIZE A JOINT MUNICIPAL WATER SYSTEM ORGANIZED FOR THE PURPOSE OF CREATING A FINANCING POOL TO ISSUE CONSTRUCTION NOTES; BY ADDING SECTION 6-25-129 SO AS TO EXEMPT FROM STATE TAXES THE INCOME OF A JOINT MUNICIPAL WATER SYSTEM; BY ADDING SECTION 6-25-131 SO AS TO PROVIDE THAT NO INCOME, PROFITS, OR ASSETS OF A JOINT SYSTEM MAY INURE TO THE BENEFIT OF ANY INDIVIDUAL OR PRIVATE ENTITY; TO AMEND SECTION 6-25-20, AS AMENDED, RELATING TO DEFINITIONS FOR JOINT MUNICIPAL WATER SYSTEMS, SO AS TO DEFINE "CONSTRUCTION NOTE OR NOTES", "FINANCING AGREEMENT", "FINANCING POOL", "GOVERNMENT", AND "INTERIM FINANCING"; TO AMEND SECTION 6-25-30, RELATING TO THE CREATION OF A JOINT SYSTEM, SO AS TO AUTHORIZE THE GOVERNING BODIES OF MUNICIPALITIES TO CREATE A JOINT SYSTEM FOR THE PURPOSE OF CREATING A FINANCING POOL, AND TO LIMIT THE PURPOSES FOR WHICH A JOINT SYSTEM MAY BE CREATED; TO AMEND SECTION 6-25-40, RELATING TO THE NOTICE OF THE INSTRUMENT CREATING A JOINT SYSTEM, SO AS TO EXEMPT A JOINT SYSTEM FROM THE NOTICE PROVISIONS IF IT IS FORMED FOR THE PURPOSE OF CREATING A FINANCING POOL; TO AMEND SECTION 6-25-50, RELATING TO THE APPOINTMENT OF A MUNICIPAL REPRESENTATIVE TO THE JOINT SYSTEM, SO AS TO ADD TO THE REQUIREMENTS OF THE APPLICATION FILED WITH THE SECRETARY OF STATE THE PURPOSE FOR THE CREATION OF THE JOINT SYSTEM; TO AMEND SECTION 6-25-60, AS AMENDED, RELATING TO THE MANAGEMENT AND CONTROL OF THE JOINT SYSTEM, SO AS TO CLARIFY THAT EACH VOTING MEMBER OF A JOINT SYSTEM SHALL APPOINT A REPRESENTATIVE WHO MUST BE A COMMISSIONER OF THE JOINT SYSTEM AND TO AUTHORIZE THE COMMISSIONERS TO MEET BIENNIALLY, IF ITS BYLAWS PROVIDE FOR IT; TO AMEND SECTION 6-25-70, RELATING TO CHANGE IN MEMBERSHIP OF A JOINT SYSTEM, SO AS TO EXEMPT A JOINT SYSTEM ORGANIZED FOR THE PURPOSE OF CREATING A FINANCING POOL FROM FILING A CHANGE IN MEMBERSHIP WITH THE SECRETARY OF STATE; TO AMEND SECTION 6-25-80, RELATING TO THE DISSOLUTION OF A JOINT SYSTEM, SO AS TO PROVIDE THAT INCOME OWNED BY THE JOINT SYSTEM AT THE TIME OF DISSOLUTION MUST BE DISBURSED TO THE VOTING MEMBERS OF THE MEMBERS OF THE JOINT SYSTEM ACCORDING TO ITS BYLAWS; TO AMEND SECTION 6-25-100, AS AMENDED, RELATING TO POWERS OF JOINT MUNICIPAL WATER SYSTEMS, SO AS TO AUTHORIZE THE SYSTEMS TO LOAN THE PROCEEDS OF ANY BORROWING TO ANY MEMBER OF THE JOINT SYSTEM WITH PAYMENT FOR BONDS OR NOTES AUTHORIZED TO BE PAID FROM LOAN REPAYMENT OF MEMBERS, AND TO PROVIDE THAT CERTAIN POWERS ARE NOT GRANTED WHEN A JOINT SYSTEM IS ORGANIZED SOLELY FOR THE PURPOSE OF CREATING A FINANCING POOL; TO AMEND SECTION 6-25-110, AS AMENDED, RELATING TO THE AUTHORIZATION OF A JOINT SYSTEM TO INCUR DEBT AND ISSUE BONDS, SO AS TO AUTHORIZE A JOINT SYSTEM FORMED FOR THE PURPOSE OF CREATING A FINANCING POOL TO ISSUE NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS BY ITS MEMBERS TO THE GOVERNMENT; TO AMEND SECTION 6-25-120, AS AMENDED, RELATING TO PAYMENT OF NOTES, OBLIGATIONS, OR BONDS, SO AS TO INCLUDE CONSTRUCTION NOTES WITHIN THE LIST OF OBLIGATIONS WHICH MAY NOT BE PLEDGED AS FULL FAITH, CREDIT, OR TAXING POWER OF ANY MEMBER OF THE JOINT SYSTEM; TO AMEND SECTION 6-25-126, RELATING TO THE AUTHORIZATION OF A JOINT SYSTEM TO TEMPORARILY INVEST FUNDS PENDING DISBURSEMENTS IN SECURITIES, SO AS TO INCLUDE CONSTRUCTION NOTES IN ADDITION TO BONDS WHICH MAY BE AUTHORIZED IN THE RESOLUTION; TO AMEND SECTION 6-25-127, RELATING TO THE ENFORCEMENT OF RIGHTS OF BONDHOLDERS, SO AS TO INCLUDE HOLDERS OF CONSTRUCTION NOTES AS HAVING THOSE RIGHTS; TO AMEND SECTION 6-25-145, RELATING TO THE PROHIBITION OF CERTAIN FIDUCIARIES TO INVEST MONIES IN THEIR HANDS IN BONDS ISSUED UNDER THE PROVISIONS OF CHAPTER 25 OF TITLE 6, SO AS TO ADD A REFERENCE TO CONSTRUCTION NOTES; TO AMEND SECTION 6-25-155, RELATING TO BONDS AS INVESTMENT SECURITIES FOR PURPOSES OF CHAPTER 8 OF TITLE 36, SO AS TO ADD CONSTRUCTION NOTES TO THOSE EVIDENCES OF INDEBTEDNESS CONSIDERED INVESTMENT SECURITIES; TO AMEND SECTION 6-25-160, RELATING TO THE TAX-EXEMPT STATUS OF EVIDENCES OF INDEBTEDNESS ISSUED BY A JOINT SYSTEM, SO AS TO INCLUDE CONSTRUCTION NOTES, AND ADD A REFERENCE TO SECTION 12-2-50; TO AMEND CHAPTER 7, TITLE 5, RELATING TO THE POWERS, FUNCTIONS, AND RESPONSIBILITIES OF MUNICIPALITIES, SO AS TO ADD SECTION 5-7-145, PROVIDING THAT COASTAL MUNICIPALITIES HAVE THE AUTHORITY TO PROVIDE LIFEGUARD AND OTHER

RELATED SAFETY SERVICES ALONG THE PUBLIC BEACHES WITHIN THEIR CORPORATE LIMITS, TO PROVIDE THAT THE MUNICIPALITIES MAY CONTRACT WITH PRIVATE BEACH SAFETY COMPANIES TO PROVIDE THESE SERVICES, TO PROVIDE CONDITIONS TO BE SATISFIED IN THE CONTRACTING PROCESS, TO AMEND SECTION 4-9-30, AS AMENDED, RELATING TO THE AUTHORITY OF COUNTY GOVERNMENT, SO AS TO PROVIDE THAT ITS AUTHORITY TO GRANT FRANCHISES IN AREAS OUTSIDE THE CORPORATE LIMITS OF MUNICIPALITIES WITHIN THE COUNTY IN THE MANNER PROVIDED BY LAW FOR MUNICIPALITIES AND SUBJECT TO THE SAME LIMITATIONS INCLUDES THE AUTHORITY TO GRANT FRANCHISES FOR THE USE OF PUBLIC BEACHES; TO AMEND SECTION 5-7-30, AS AMENDED, RELATING TO THE POWERS OF THE MUNICIPALITIES, SO AS TO PROVIDE THE AUTHORITY TO GRANT FRANCHISES FOR THE USE OF PUBLIC BEACHES; TO PROVIDE THAT THE PROVISIONS OF SECTION 21 OF THIS ACT DO NOT AFFECT, ALTER, OR ABROGATE CONTRACTS EXISTING AND IN EFFECT ON THE EFFECTIVE DATE OF THIS ACT; TO AMEND SECTION 11-27-40, RELATING TO THE ISSUANCE OF BONDS FOR POLITICAL SUBDIVISIONS PURSUANT TO ARTICLE X OF THE SOUTH CAROLINA CONSTITUTION SO AS TO PROVIDE THE TERM AND AMOUNT OF BONDS THAT MAY BE SOLD AT PRIVATE SALE AND WITHOUT ADVERTISEMENT AND TO PROVIDE PROCEDURES FOR THE ISSUANCE AND REDEMPTION OF BONDS MATURING BETWEEN FIVE AND THIRTY YEARS FROM THE DATE OF ISSUE; TO AMEND SECTION 11-27-50 RELATING TO THE ISSUANCE OF BONDS FOR SCHOOL DISTRICTS PURSUANT TO ARTICLE X OF THE SOUTH CAROLINA CONSTITUTION SO AS TO PROVIDE THAT THE CONSENT OF ANOTHER BODY IS NOT REQUIRED TO ISSUE GENERAL OBLIGATION BONDS OF A SCHOOL DISTRICT AFTER AN ELECTION AND TO PROVIDE PROCEDURES FOR THE ISSUANCE AND REDEMPTION OF BONDS MATURING BETWEEN FIVE AND THIRTY YEARS; AND TO AMEND SECTION 11-15-440, RELATING TO THE EXTENT TO WHICH REFUNDING BONDS MAY BE ISSUED, SO AS TO MAKE THIS PROVISION APPLICABLE TO REVENUE BONDS AND TO PROVIDE THAT THE ISSUER MAY UTILIZE THE PROVISIONS OF SECTIONS 11-27-40 AND 11-27-50 IN CONNECTION WITH THE ISSUANCE OF SUCH REFUNDING BONDS.-AMENDED TITLE

01/26/99	House	Introduced and read first time HJ-41
01/26/99	House	Referred to Committee on Ways and Means HJ-41
04/22/99	House	Committee report: Favorable with amendment Ways and Means HJ-14
04/27/99	House	Amended HJ-111
04/27/99	House	Read second time HJ-112
04/28/99	House	Read third time and sent to Senate HJ-18
04/28/99	Senate	Introduced and read first time SJ-9
04/28/99	Senate	Referred to Committee on Finance SJ-9
05/27/99	Senate	Recalled from Committee on Finance SJ-24
05/27/99	Senate	Read second time SJ-24
06/01/99	Senate	Amended SJ-110
06/03/99	Senate	Amended SJ-114
06/03/99	Senate	Read third time and returned to House with amendments SJ-114
06/03/99	House	Non-concurrence in Senate amendment HJ-106
06/03/99	Senate	Senate insists upon amendment and conference committee appointed Peeler, Cork, Rankin SJ-23
06/03/99	House	Conference committee appointed Reps. Fleming, Harvin and Harrell HJ-126
06/22/99	House	Free conference powers granted HJ-41
06/22/99	House	Free conference committee appointed Reps. Fleming, Harrell and Harvin HJ-44
06/22/99	House	Free conference report received and adopted HJ-44
06/22/99	Senate	Free conference powers granted SJ-18
06/22/99	Senate	Free conference committee appointed Sens. Peeler, Cork, Rankin SJ-18
06/22/99	Senate	Free conference report received and adopted SJ-18
06/22/99	House	Ordered enrolled for ratification HJ-71
06/24/99		Ratified R 192
06/30/99		Signed By Governor
06/30/99		Effective date 06/30/99
07/14/99		Copies available
07/22/99		Act No. 113