

Session 113 - (1999-2000)

S 0459 General Bill, By Holland, Thomas, Russell, Ravenel and Peeler

Similar (H 3357)

Summary: Joint municipal water system, financing pool, construction notes issued; Water and Sewer, Political Subdivisions

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; AND 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.

02/04/99 Senate Introduced and read first time SJ-3

02/04/99 Senate Referred to Committee on Finance SJ-3