



To: SPD's
From: Kelly Smith
Date: March 29, 2007
Subject: House Special Laws Subcommittee Discussions of H. 3726

H.3726 was discussed by the House Special Laws Subcommittee at 9:00 am Wednesday, March 28, 2007. The bill provides that a SPD could be dissolved by resolution of the Governing Body without regard to the desires of the citizens receiving the service, financial considerations or governance of the district.

Greenville Recreation District and Greenville County Councils expressed the need for the legislation to allow the county to improve recreation services to citizens of Greenville County. The proposed legislation was not a hostile takeover of the recreation district but provides for an agreement to better serve the citizens in the County. Local legislation has been ruled unconstitutional.

A number of Districts were represented at the Subcommittee session. They applauded the efforts to improve services to citizens but opposed H.3726 as currently written. They pointed out that districts were the creation of the General Assembly and had been voted on by the citizens they served for creation and funding. It was not the role of the elected or appointed commission to dissolve a district by resolution. Current law (6-11-2010) provides for the dissolution of a district and any changes should be studied and considered carefully before action.

The citizens receiving services from the district should determine any dissolution by vote because it affected the service they were receiving, indebtedness, taxes and representation. The Committee did not act on H. 3726 which will remain on the agenda at the next meeting in two weeks.

H. 3711: The Subcommittee passed to the full Judiciary Committee H. 3711 the "JOINT AUTHORITY WATER AND SEWER SYSTEMS ACT" which is a rewrite of the "JOINT MUNICIPAL WATER SYSTEMS ACT".

Water and Sewer Districts may want to review the bill to insure there is no harm to their service area. Counsel for the Association has indicated the bill is a rewrite of past legislation.

H. 3711(S. 567) -- Reps. Sandifer and Whitmire: A BILL TO AMEND CHAPTER 25, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY REDESIGNATING THE CHAPTER KNOWN AS THE "JOINT MUNICIPAL WATER SYSTEMS ACT" AS THE "JOINT AUTHORITY WATER AND SEWER SYSTEMS ACT", SO AS TO PROVIDE FOR THE APPOINTMENT OF MEMBERS OF A JOINT AUTHORITY WATER AND SEWER SYSTEM COMMISSION, TO PROVIDE THAT A COMMISSION MAY CONSIST OF NO MORE THAN ELEVEN MEMBERS, TO PROVIDE THAT A CHANGE IN THE MEMBERSHIP OF A JOINT SYSTEM IS NOT FINAL UNTIL NOTICE OF THE CHANGE IS FILED WITH THE SECRETARY OF STATE, TO PROVIDE THAT A JOINT SYSTEM MAY ENTER A CONTRACT TO SELL WATER OR PROVIDE SEWER SERVICE, AMONG OTHER THINGS; AND TO MAKE CONFORMING AND TECHNICAL CHANGES THROUGHOUT THE CHAPTER.