**South Carolina General Assembly**

123rd Session, 2019-2020

**A107, R56, S712**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Gambrell

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Introduced in the Senate on March 27, 2019

Introduced in the House on April 11, 2019

Passed by the General Assembly on May 9, 2019

Governor's Action: May 13, 2019, Signed

Summary: Broadway Water and Sewer District

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 3/27/2019 Senate Introduced, read first time, placed on local & uncontested calendar ([Senate Journal‑page 7](file:///h%3A%5Csj%5C20190327.docx))

 4/3/2019 Senate Read second time ([Senate Journal‑page 20](file:///h%3A%5Csj%5C20190403.docx))

 4/10/2019 Senate Read third time and sent to House ([Senate Journal‑page 37](file:///h%3A%5Csj%5C20190410.docx))

 4/11/2019 House Introduced and read first time ([House Journal‑page 61](file:///h%3A%5Chj%5C20190411.docx))

 4/11/2019 House Referred to **Anderson Delegation** ([House Journal‑page 61](file:///h%3A%5Chj%5C20190411.docx))

 5/8/2019 House Committee report: Favorable Anderson Delegation ([House Journal‑page 80](file:///h%3A%5Chj%5C20190508.docx))

 5/8/2019 House Read second time ([House Journal‑page 81](file:///h%3A%5Chj%5C20190508.docx))

 5/8/2019 House Roll call Yeas‑100 Nays‑0 ([House Journal‑page 81](file:///h%3A%5Chj%5C20190508.docx))

 5/9/2019 House Read third time and enrolled ([House Journal‑page 6](file:///h%3A%5Chj%5C20190509.docx))

 5/9/2019 Ratified R 56

 5/13/2019 Signed By Governor

 5/17/2019 Effective date 05/13/19

 7/10/2019 Act No.  107

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=712&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[3/27/2019](file:///p%3A%5Cpprever%5C2019-20%5C712_20190327.docx)

[3/27/2019-A](file:///p%3A%5Cpprever%5C2019-20%5C712_20190327A.docx)

[5/8/2019](file:///p%3A%5Cpprever%5C2019-20%5C712_20190508.docx)

(A107, R56, S712)

**AN ACT TO AMEND ACT 549 OF 1973, AS AMENDED, RELATING TO THE BROADWAY WATER AND SEWERAGE DISTRICT IN ANDERSON COUNTY, SO AS TO RATIFY A 2001 EXPANSION OF THE DISTRICT’S SERVICE AREA PURSUANT TO A TRANSFER OF TERRITORY FROM THE BELTON‑HONEA PATH WATER AUTHORITY.**

Whereas, the Broadway Water and Sewerage District of Anderson County was created by Act 549 of 1973, which had an effective date of February 15, 1973; and

Whereas, following the passage of Home Rule, the General Assembly enacted several statutes supporting the continued viability of preexisting special purpose districts, including, but not limited to, Section 6‑11‑410(a), Code of Laws of South Carolina, 1976, which defines a special purpose district as “any district created by act of the General Assembly prior to March 7, 1973, and to which has been committed prior to March 7, 1973, any local governmental function”; and

Whereas, although the general law, in Section 6‑11‑420, provides a mechanism whereby the service areas of special purpose districts created prior to March 7, 1973, may be enlarged, diminished, or consolidated by action of the appropriate county council, the South Carolina Supreme Court recognized a certain degree of latitude regarding special legislation to facilitate an orderly transition from legislative control of local matters to local control. See, e.g., Duncan v. The County of York et al., 267 S.C. 327, 228 S.E.2d 92 (1976); and

Whereas, in 2001 the Belton‑Honea Path Water Authority granted a portion of its service district to the Broadway Water and Sewerage District, ostensibly expanding the latter’s service area; however, this transfer appears never to have been approved either by the governing body of Anderson County pursuant to the aforesaid provisions of Article 3, Chapter 11, Title 6 or by the General Assembly pursuant to transitional local legislation; and

Whereas, because the 2001 expansion of the Broadway Water and Sewerage District’s service area preceded by six years the South Carolina Supreme Court’s ruling in Davis v. Richland County Council, 372 S.C. 497, 642 S.E.2d 740 (2007), which cast significant doubt on future application of the transitional legislation exception, the General Assembly finds that if it had enacted local legislation in 2001 to enlarge the district’s service area, the resulting act would have constituted permissible transitional legislation under Duncan v. County of York et al. Now, therefore,

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

**Broadway Water and Sewerage District, ratification of previous service area expansion**

SECTION 1. Section 2 of Act 549 of 1973, as last amended by Act 709 of 1990, is amended by adding at the end to read:

 “The South Carolina General Assembly ratifies and confirms the October 22, 2001, action of the Belton‑Honea Path Water Authority granting to the Broadway Water and Sewerage District that portion of the Belton‑Honea Path Water Authority’s service district described in the Authority’s minutes dated October 22, 2001, as the area ‘starting on the north side at Rice Cemetery Road and proceeding in a southerly direction down Jones Chapel Road intersecting at S.C. State Route 20, Due West Hwy. at the Abbeville County Line. All territory from this boundary to Lake Secession and proceeding along the boundary of Abbeville County to Hwy 20’.”

**Time effective**

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

Ratified the 9th day of May, 2019.

Approved the 13th day of May, 2019.

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