**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5‑7‑195 SO AS TO PROVIDE FOR THE ELECTION OF ADDITIONAL MEMBERS TO MUNICIPAL COUNCILS TO REPRESENT NONRESIDENT RESIDENTIAL MUNICIPAL WATER AND SEWER CUSTOMERS WHEN THESE CUSTOMERS ARE CHARGED HIGHER RATES FOR THESE UTILITIES THAN ARE RESIDENTIAL CUSTOMERS WITHIN THE MUNICIPALITY’S BOUNDARIES, TO LIMIT THE MATTERS ON WHICH THESE SPECIAL COUNCIL MEMBERS ARE ALLOWED TO VOTE TO UTILITY OPERATIONS, TO PROVIDE FOR THE NUMBER OF SPECIAL MEMBERS, THE NOMINATION AND ELECTION PROCEDURES, AND TERMS, AND TO PROVIDE THAT THE MUNICIPAL ELECTION COMMISSION SHALL CONDUCT THE ELECTIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SECTION.

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

SECTION 1. Chapter 7, Title 5 of the 1976 Code is amended by adding:

“Section 5‑7‑195. If a municipality provides water or sewer services, or both, to nonresident residential customers at rates higher than rates applicable for these customers within the municipality’s boundaries, nonresident special members must be elected to the governing body of the municipality as provided in this section. These special members are in all respects council members except they may vote only on matters relating to the operation of these municipal utilities. Only residential utility customers living outside of the municipality who are qualified electors are eligible to be elected in this capacity. The number of these special members is determined by multiplying the number of regular council members by a fraction in which the numerator is the total of utility revenue in the latest completed fiscal year from nonresident residential customers, and the denominator is the total of the revenues from all residential customers regardless of location, rounded to the nearest whole number but not less than one. These special members shall serve at large, but otherwise must be nominated and elected in the same manner and serve for the same term as is provided by law for regular council members. The municipal election commission shall conduct the election necessary to implement the provisions of this section applying the municipal election law, mutatis mutandis.”

SECTION 2. This act takes effect beginning with municipal elections held after 2012.

‑‑‑‑XX‑‑‑‑