**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 5‑31‑695 SO AS TO PROVIDE THAT A MUNICIPALITY MAY NOT CHARGE CUSTOMERS WHO RESIDE OUTSIDE THE CORPORATE BOUNDARIES HIGHER RATES FOR WATER SERVICES THAN IT CHARGES MUNICIPAL RESIDENTS; AND TO AMEND SECTION 5‑31‑210, RELATING TO THE ELECTION AND TERMS OF COMMISSIONERS OF PUBLIC WORKS IN MUNICIPALITIES, SO AS TO REQUIRE REPRESENTATION ON THE COMMISSION BASED ON ITS SERVICE TO UNINCORPORATED AREAS.

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

SECTION 1. Article 7, Chapter 31, Title 5 of the 1976 Code is amended by adding:

“Section 5‑31‑695. Notwithstanding another provision of law, a municipality or a municipal water utility that provides water services to customers both within and without its corporate boundaries may not charge customers who reside outside the corporate boundaries higher rates for residential water services than it charges municipal residential customers unless the municipality or municipal water utility can demonstrate that a nexus exists between:

(1) the direct cost of providing water service to customers residing outside the corporate boundaries; and

(2) the inadequacy of any impact fee charged to the developer for any water utility service expansion.”

SECTION 2. Section 5‑31‑210 of the 1976 Code is amended to read:

“Section 5‑31‑210. (A) At any election for bonds held to meet the costs of acquiring property of the character referred to in Section 5‑31‑610 the elector shall vote for three citizens of the city or town whose terms of office shall be respectively two, four and six years and until the general election for municipal officers next following the expiration of the short term, and until their successors are elected and qualified. The classification above designated as to the term shall be ascertained by the commissioners after election by lot. At each general election for municipal officers following the expiration of the term of the commissioner holding the short term and at every such election every two years thereafter, one such commissioner shall be elected for a term of six years and until his successor is elected and qualified. The officers so elected and their successors in office shall be known as the commissioners of public works of such municipality and by that name may sue and be sued in any of the courts of this State.

(B) In addition to the three members of the board of commissioners of public works of a municipality authorized above, the governing body of a municipality with a population of fifty thousand persons or less according to the 1980 official United States Census may provide by ordinance for the election of two additional commissioners. The new commissioners must be elected at a special election or at any general election following the enactment of the ordinance in the same manner that the other commissioners are elected. The new member receiving the highest number of votes in that election shall serve for a term of six years and the new member receiving the next highest number of votes in that election shall serve for a term of four years. Their successors must be elected in the election for municipal officers every four or six years thereafter for terms of office of six years. The members elected shall serve until their successors are elected and qualify. Vacancies in these two new positions must be filled in the same manner as other vacancies on the board of commissioners of public works are filled. The provisions of this paragraph for two additional commissioners apply only to boards of commissioners of public works founded after 1920.

(C)(1) Notwithstanding the provisions of this section or of another provision of law, unincorporated areas served by a commission of public works of a municipality must be represented on the commission based on the percent of the service to unincorporated areas. The additional commissioners authorized by this section must be elected at the next general election for municipal officers following the effective date of this section in the same manner that the other commissioners of public works are elected.

(2) Within thirty days after the effective date of this subsection, those boards of commissioners of public works of a municipality affected by the provisions of this subsection shall provide the mapping section of the Revenue and Fiscal Affairs Office with the number of commissioners that must be added from the unincorporated areas served by the commission in order to comply with the provisions of item (1). The Revenue and Fiscal Affairs Office shall then prepare election district maps for the additional members who must be elected from the unincorporated areas served by the commission. In addition to possessing the qualifications of an elector, those persons from the unincorporated areas served by the commission who seek election to the board of commissioners of public works of a municipality also must be a resident of the appropriate election district of the unincorporated area served by the commission and a customer of the municipal water system.”

SECTION 3. This act takes effect upon approval by the Governor.

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