**A** **BILL**

TO AMEND SECTION 5‑31‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION AND TERMS OF COMMISSIONERS OF PUBLIC WORKS IN MUNICIPALITIES WITH AT LEAST FIFTY THOUSAND RESIDENTS, SO AS TO REQUIRE THE ELECTION OF TWO ADDITIONAL PUBLIC WORKS COMMISSIONERS WHO RESIDE OUTSIDE THE CORPORATE LIMITS OF A MUNICIPALITY THAT PROVIDES WATER OR SEWER SERVICES TO UNINCORPORATED AREAS.

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

SECTION 1. Section 5‑31‑210 of the 1976 Code, is amended to read:

“Section 5‑31‑210. (A) At ~~any~~ an 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~~ must be respectively two, four, and six years, and until the next 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~~ must 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~~ general election every two years thereafter, one ~~such~~ commissioner ~~shall~~ must 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~~ must be known as the commissioners of public works of ~~such~~ the 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~~ a 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~~ qualified. 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) Notwithstanding the provisions of this section or another provision of law, in cities with at least fifty thousand residents according to the official 2010 United States Census, two additional commissioners must be elected from the unincorporated areas served by the commission of public works. These two additional commissioners shall serve six-year terms and must be elected in the next general election for members of the South Carolina House of Representatives following the effective date of this act. A vacancy occurring in either of these two new positions must be filled by election in the same manner of original election for the unexpired portion of the term.”

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

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