**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4480**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Ryan

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Introduced in the House on January 10, 2012

Currently residing in the House Committee on **Judiciary**

Summary: Aeronautics Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/29/2011 House Prefiled

11/29/2011 House Referred to Committee on **Judiciary**

1/10/2012 House Introduced and read first time ([House Journal‑page 55](file:///h:\hj%20archive\2012\01-10-12.docx))

1/10/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 55](file:///h:\hj%20archive\2012\01-10-12.docx))

**VERSIONS OF THIS BILL**

[11/29/2011](file:///p:\pprever\2011-12\4480_20111129.docx)

**A** **BILL**

TO AMEND SECTIONS 13‑1‑1040, 46‑5‑10, AS AMENDED, AND 57‑1‑325, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTION OF MEMBERS OF THE AERONAUTICS COMMISSION, THE ESTABLISHMENT AND ELECTION OF MEMBERS OF THE AGRICULTURE COMMISSION OF SOUTH CAROLINA, AND ELECTION OF MEMBERS OF THE COMMISSION OF THE DEPARTMENT OF TRANSPORTATION BY MEMBERS OF LEGISLATIVE DELEGATIONS REPRESENTING CONGRESSIONAL DISTRICTS AND JUDICIAL CIRCUITS IN THE CASE OF THE AGRICULTURE COMMISSION, SO AS TO PROVIDE THAT A QUORUM FOR THE DELEGATION MEETINGS AT WHICH THESE COMMISSIONERS ARE ELECTED CONSISTS OF A MAJORITY OF THE MEMBERS OF THE DELEGATION PRESENT RATHER THAN PRESENT BY PROXY, TO PROVIDE THAT PUBLIC NOTICE OF THE DATE, TIME, AND PLACE OF THE DELEGATION MEETING FOR THE PURPOSE OF ELECTING THESE COMMISSIONERS MUST BE POSTED AT THE MEETING PLACE AND ON THE GENERAL ASSEMBLY WEBSITE NO LATER THAN TWENTY‑FOUR HOURS BEFORE THE MEETING, TO PROVIDE THAT THESE MEETINGS MUST BE OPEN TO THE PUBLIC, AND TO REQUIRE AN AFFIDAVIT FROM A CANDIDATE FOR ELECTION TO THE AERONAUTICS COMMISSION AND THE AGRICULTURE COMMISSION THAT THE CANDIDATE MEETS THE RESIDENCY REQUIREMENTS FOR SERVICE ON THESE COMMISSIONS.

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

SECTION 1. Section 13‑1‑1040 of the 1976 Code, as added by Act 11 of 2005, is amended to read:

“Section 13‑1‑1040. Notwithstanding any other provision of law, legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. The date, time, and place of the delegation meeting must be posted at the meeting place and on the General Assembly website no later than twenty‑four hours before the meeting and all such meetings must be open to the public. A majority present, ~~either~~ in person ~~or by written proxy~~, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. A quorum being present, proxy voting is allowed in the election. No person may be elected commissioner who fails to receive a majority vote of the members of the delegation.

The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt rules they consider proper to govern the election. Any absentee may vote by written proxy. For purposes of determining residency qualifications of a candidate for election to the commission, no vote may be counted for a person who has not furnished to the delegation chairman, before the meeting date, an affividavit provided by the candidate under penalty of perjury that the candidate meets the residency requirements of this article for service on the commission. When the election is completed, the chairman and the secretary of the delegation shall immediately transmit the name of the person elected to the Secretary of State who shall issue to the person after he has taken the usual oath of office, a certificate of election as commissioner. The Governor then shall issue a commission to the person, and pending the issuance of the commission, the certificate of election is sufficient warrant to the person to perform all of the duties and functions of his office as commissioner. Each commissioner shall serve until his successor is elected and qualified.”

SECTION 2. The second undesignated paragraph of Section 46‑5‑10 of the 1976 Code, is amended to read:

“The legislative delegations representing the counties of each judicial circuit shall meet upon written call of a majority of the members of the delegations of each judicial circuit at a time and place to be designated in ~~such~~ the call for the purpose of electing a member of the commission to represent ~~such~~ the circuit. The date, time, and place of the delegation meeting must be posted at the meeting place and on the General Assembly website no later than twenty‑four hours before the meeting and all such meetings must be open to the public. A majority present, ~~either~~ in person ~~or by written proxy~~, of the members of the county legislative delegations from a given circuit ~~shall constitute~~ constitutes a quorum for the purpose of electing a member.~~, but~~ For purposes of determining residency qualifications of a candidate for election to the commission, no vote may be counted for a person who has not furnished to the delegation chairman, before the meeting date, an affividavit provided by the candidate under penalty of perjury that the candidate meets the residency requirements of this chapter for service on the commission. No person ~~shall~~ may be declared elected who ~~shall fail~~ fails to receive a majority vote of all the members of the county legislative delegations from the circuit. The joint county legislative delegations of each circuit ~~shall~~ must be organized by the election of a chairman and a secretary and ~~such~~ the joint legislative delegations ~~shall,~~ subject to the provisions ~~herein,~~ of this section, shall adopt ~~such~~ the rules as they ~~deem~~ consider proper to govern the election. ~~Any~~ A quorum being present, an absentee may vote by written proxy. When the election is completed, the chairman and secretary of the joint county legislative delegations of each circuit shall immediately transmit the name of the person elected to the Secretary of State who shall ~~forthwith~~ issue to ~~such~~ the person, after he has taken the usual oath of office, a certificate of election as a member of the Agriculture Commission of South Carolina. The Governor then shall ~~thereupon~~ issue a commission to ~~such~~ the person, and pending ~~such~~ the issuance of the commission, the certificate of election ~~shall be a~~ is sufficient warrant to ~~such~~ the person to perform all of the duties and functions of his office.”

SECTION 3. Section 57‑1‑325 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑325. Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. The date, time, and place of the delegation meeting must be posted at the meeting place and on the General Assembly website no later than twenty‑four hours before the meeting and all such meetings must be open to the public. A majority present, ~~either~~ in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected commissioner who fails to receive a majority vote of the members of the delegation.

The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt ~~such~~ the rules as they consider proper to govern the election. ~~Any~~ A quorum being present, an absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation shall immediately transmit the name of the person elected to the Secretary of State who shall issue to the person, after he has taken the usual oath of office, a certificate of election as commissioner. The Governor shall then issue a commission to the person, and pending the issuance of the commission, the certificate of election is sufficient warrant to the person to perform all of the duties and functions of his office as commissioner. Each commissioner shall serve until his successor is elected and qualified.”

SECTION 4. This act takes effect upon approval by the Governor.

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