~~Indicates Matter Stricken~~

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COMMITTEE REPORT

May 16, 2012

**S. 1088**

Introduced by Senators McConnell, Ford and Knotts

S. Printed 5/16/12--H.

Read the first time February 29, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1088) to amend statutes creating certain boards and commissions whose members are appointed or elected by congressional district, which are under the jurisdiction, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by adding appropriately numbered SECTIONS at the end to read:

/ SECTION \_\_\_. Section 1-15-10 of the 1976 Code, as last amended by Act 249 of 2008, is further amended to read:

“Section 1-15-10. There is hereby created a Commission on Women to be composed of ~~fifteen~~ sixteen members appointed by the Governor with the advice and consent of the Senate from among persons with a competency in the area of public affairs and women's activities. One member must be appointed from each congressional district and the remaining members from the State at large. The commission ~~shall~~must be under and a part of the Office of the Governor. Members of the commission shall serve for terms of four years and until their successors are appointed and qualify, except of those members first appointed after the expansion of the commission to fifteen members, two members shall serve a term of one year, two members shall serve a term of two years, two members shall serve a term of three years, and two members shall serve a term of four years. Members appointed prior to and after the expansion of the commission to fifteen members ~~shall~~must be designated by the Governor as being appointed to serve either from a particular congressional district or at large. The member first appointed from the Seventh Congressional District after the expansion of the commission to sixteen members shall serve a four year term. Vacancies ~~shall~~must be filled in the manner of the original appointment for the unexpired portion of the term only. No member ~~shall~~must be eligible to serve more than two consecutive terms.”

SECTION \_\_\_. Section 6-19-30 of the 1976 Code is amended to read:

“Section 6-19-30. The fund for ~~such~~these grants ~~shall~~must be from either revenue‑sharing trust funds or from general appropriations to the Department of Health and Environmental Control, which shall administer ~~such~~the grants for intermission to public water supply authorities or districts, sewer authorities or districts, water and sewer authorities, rural community water or sewer systems, nonprofit corporations, or municipal sewer systems to which the grant is made. The Governor, with the advice and consent of the Senate, shall appoint an advisory committee composed of ~~six~~ seven members, one from each congressional district of the State. In addition an employee of the Department of Health and Environmental Control, designated by the commissioner ~~thereof~~of DHEC, shall serve ex officio as a member of the committee. The Governor may invite ~~any~~a director, or his representative, from ~~any~~an agency providing water and sewer funds to serve as an advisory nonvoting member to the committee. Of those initially appointed by the Governor and serving on April 1, 1975, the members representing the third and sixth districts shall serve until June 30, 1977, the members representing the second and fourth districts shall serve until June 30, 1978, and the members representing the first and fifth districts shall serve until June 30, 1979. Thereafter all members ~~shall~~must be appointed for terms of three years. In the event of a vacancy a successor ~~shall~~must be appointed for the unexpired term in the manner of original appointment. The advisory committee shall meet as soon after its appointment as may be practicable and shall organize by electing a chairman, ~~vice‑chairman~~vice chairman, secretary, and ~~such~~ other officers ~~as~~ it may deem desirable. The advisory committee shall select the projects to be funded ~~in accordance with~~pursuant to Section 6‑19‑40. Funds ~~may~~ also may be expended from gifts or grants from any source which are made available for the purpose of carrying out the provisions of this chapter. Appropriations made to the fund but not expended at the end of the fiscal year for which appropriated shall not revert to the general fund but shall accrue to the credit of the fund. Grants ~~shall~~must be made only for water supply and waste water facilities projects on which construction was not commenced before April 1, 1974.”

SECTION \_\_\_. Section 13-1-1050(B) of the 1976 Code, as added by Act 11 of 2005, is amended to read:

“(B) The terms of the initial members of the commission appointed from congressional district are as follows:

(1) commission members appointed to represent congressional district one and two, two years;

(2) commission members appointed to represent congressional district three and four, three years;

(3) commission members appointed to represent congressional district five and six, four years~~.~~;

(4) the commission member appointed to represent congressional district seven, four years.”

SECTION \_\_\_. Section 13-17-40(A) of the 1976 Code, as last amended by Act 319 of 2006, is further amended to read:

“(A)(1) The SCRA shall consist of a board of ~~twenty‑ four~~ twenty-five trustees that includes the following ex officio members: President of the Council of Private Colleges of South Carolina, Chairman of the South Carolina Commission on Higher Education, President of Clemson University, President of the Medical University of South Carolina, President of South Carolina State College, President of the University of South Carolina, Director of Savannah River National Laboratory, President of Francis Marion University, Chairman of the State Board for Technical and Comprehensive Education, Governor of South Carolina, or his designee, Chairman of the House Ways and Means Committee's designee, Chairman of the Senate Finance Committee's designee, and the Secretary of Commerce, or his designee.

(2) The Governor shall name the chairman who must not be a public official and who serves at the pleasure of the Governor. The remaining ~~ten~~ eleven trustees must be elected by the board of trustees from a list of nominees submitted by an ad hoc committee named by the chairman and composed of the members serving as elected trustees. The original elected trustees must be the same members serving as elected trustees on the board on January 1, 2005. Each of the Congressional Districts of South Carolina has at least one of the ~~ten~~ eleven trustees.

(3) Terms of elected trustees are for four years, and half expire every two years. An elected trustee may not serve more than two consecutive four‑year elected terms. Vacancies must be filled for the unexpired term in the manner of original appointment. A vacancy occurs upon the expiration of the term of service, death, resignation, disqualification, or removal of a trustee.”

SECTION \_\_\_. Section 24-21-10(B) of the 1976 Code, as last amended by 273 of 2010, is further amended to read:

“(B) The Board of Probation, Parole and Pardon Services is composed of ~~seven~~ eight members. The terms of office of the members are for six years. ~~Six~~ Seven of the ~~seven~~ eight members must be appointed from each of the congressional districts and one member must be appointed at large. The at‑large appointee shall have at least five years of work or volunteer experience in one or more of the following fields: parole, probation, corrections, criminal justice, law, law enforcement, psychology, psychiatry, sociology, or social work. Vacancies must be filled by gubernatorial appointment with the advice and consent of the Senate for the unexpired term. If a vacancy occurs during a recess of the Senate, the Governor may fill the vacancy by appointment for the unexpired term pending the consent of the Senate, provided the appointment is received for confirmation on the first day of the Senate's next meeting following the vacancy. A chairman must be elected annually by a majority of the membership of the board. The chairman may serve consecutive terms.”

SECTION \_\_. Section 25-19-10 of the 1976 Code is amended to read:

“Section 25-19-10. There is established a Prisoner of War Commission in South Carolina composed of one member from each congressional district and one member from the State at large, to be appointed by the Governor with the advice and consent of a majority ~~of the members~~ of the Senate members representing the congressional district involved and a majority ~~of the members~~ of the House of Representatives members representing the congressional district involved. A chairman must be elected annually by the commission from its membership. All members must be former prisoners of war. The South Carolina Department of the American Ex‑Prisoners of War may submit to the Governor names and biographical data on former prisoners of war willing and able to serve. Their terms are for four years and until their successors are appointed and qualify~~, except that the initial members from the first, third, and fifth congressional districts shall serve for terms of two years~~. Vacancies must be filled by the Governor for the remainder of an unexpired term.”

SECTION \_\_\_. Section 40‑57‑40(A) of the 1976 Code is amended to read:

“(A) The South Carolina Real Estate Commission consists of nine members elected or appointed as follows:

(1) ~~Six~~ Seven members who are professionally engaged in the active practice of real estate, one elected from each of the ~~six~~ seven congressional districts by a majority of House and Senate members ~~and senators~~, representing the House and Senate districts located within each of the congressional districts.

(2) Two members representing the public who are not professionally engaged in the practice of real estate, each appointed by the Governor with the advice and consent of the Senate.

~~(3)~~ ~~The eight elected and appointed members shall elect from the State at large, one additional member who must be in the active practice of real estate.~~”

SECTION \_\_\_. Section 40‑59‑10(A) of the 1976 Code is amended to read:

“(A) There is created the South Carolina Residential Builders Commission ~~which~~that must be composed of seven persons who ~~shall~~ have been residents of the State for at least five years, ~~and~~ two of whom must be consumers not engaged in the business of residential building, four of whom have been actively engaged in residential building for a period of at least five years before the date of their appointment, and who must be recommended to the Governor by the South Carolina Home Builders Association, and one of whom has been actively engaged in residential specialty contracting for a period of at least five years before the date of appointment. One member must be appointed from each congressional district~~, and one must be appointed from the State at large~~. Members of the commission must be appointed by the Governor with the advice and consent of the Senate for a term of four years or until their successors are appointed and qualify. A vacancy occurring by reason of death, resignation, removal for cause, or otherwise must be filled for the remainder of the unexpired term in the manner of the original appointment. The Governor may remove ~~any~~a member of the commission in accordance with Section 1‑3‑240.”

SECTION \_\_\_. Section 40‑69‑10(A) of the 1976 Code is amended to read:

“(A) There is created the State Board of Veterinary Medical Examiners to be composed of ~~nine~~ ten members, one of whom must be a consumer member from the State at large, one of whom must be a licensed veterinary technician practicing in this State, one of whom must be a veterinarian from the State at large, and ~~six~~ seven of whom must be veterinarians representing each of the ~~six~~ seven congressional districts. Each veterinarian and veterinary technician must be a resident of the State, licensed by the State, and currently practicing with at least five years of clinical experience. Each veterinarian representing a congressional district must reside in the district that he represents. The consumer member must be a resident of this State. The terms of the members are for six years and until their successors are appointed and qualify. The chairman may ~~only~~ vote only in the case of a tie vote by the board.”

SECTION \_\_\_. Section 40‑81‑50(A) of the 1976 Code is amended to read:

“(A) There is created the State Athletic Commission consisting of eight members appointed by the Governor with the advice and consent of the Senate to regulate boxing, kickboxing, wrestling, mixed martial arts, and other combative sports in this State. One member must be appointed from each congressional district of the State and ~~two~~ one from the State at large. ~~One of~~ The at‑large ~~appointments shall~~ appointment must be a physician licensed and in good standing in the State. The terms of the members are for four years and until their successors are appointed and qualified. Vacancies must be filled by the Governor for the remainder of an unexpired term. The commissioners of the State Athletic Commission may not have any financial interest, direct or indirect, in the promotion, management, or result of any boxing, kickboxing, mixed martial arts, or wrestling event or exhibition.”

SECTION \_\_\_. Section 41‑43‑40 of the 1976 Code is amended to read:

“Section 41‑43‑40. The Governor shall appoint, upon the advice and consent of the Senate, one director from each congressional district ~~and one from the State at large, who serves as chairman~~. At the first board meeting of each calendar year, the seven directors appointed by the Governor shall elect a chairman. Directors must have experience in the fields of business, commerce, finance, banking, real estate, or foreign trade. At least two directors must have direct commercial lending experience. The Governor and the Chairman of the State Development Board shall serve ex officio and may designate persons to represent them at meetings of the authority.

Directors serve for terms of three years~~; however, directors initially appointed from the first and sixth congressional districts and the State at large serve for three years; directors initially appointed from the second and fifth congressional districts serve for two years; and directors initially appointed from the third and fourth congressional districts serve for one year. Thereafter, all directors serve for a term of three years~~ and until their successors are appointed and qualify. All vacancies must be filled for the unexpired term in the manner of the original appointment. Directors are not personally liable for losses unless the losses are occasioned by the wilful misconduct of the directors. Directors may be removed by the Governor for cause or at will. A certificate of the appointment or reappointment of ~~any~~a director must be filed in the offices of the Secretary of State and the authority. The certificate is conclusive evidence of the due and proper appointment of a director.”

SECTION \_\_\_. Section 43‑25‑10 of the 1976 Code is amended to read:

“Section 43‑25‑10. There is hereby created the South Carolina Commission for the Blind. The commission shall consist of seven members, one from each of the ~~six~~ seven Congressional Districts ~~and one from the State at large~~, of whom three shall have a visual acuity not to exceed 20/200 . The Governor ~~shall~~, with the advice and consent of the Senate, shall appoint the members of the commission for terms of four years and until their successors are appointed and qualify. All vacancies ~~shall~~must be filled in the manner of the original appointment for the unexpired portion of the term only. The members of the commission shall elect one of its members as chairman for a term of two years or until his successor has been elected. The chairman shall preside at the regular meetings of the commission to be held at least once each month. The chairman may call a meeting when he deems it necessary to be held at a time to be determined by the commission. The commission shall appoint a commissioner and ~~such~~ other officers ~~as~~ it deems necessary, none of whom ~~shall~~may be a member of the commission, and shall fix the compensation and prescribe the duties of ~~such~~the appointees. The members of the commission shall receive no salary but ~~shall~~must be allowed the usual mileage, subsistence and per diem as authorized by law for commissions, committees, and boards.”

SECTION \_\_\_. Section 43‑31‑40 of the 1976 Code is amended to read:

“Section 43‑31‑40. The Governor shall appoint a State Agency of Vocational Rehabilitation to be composed of seven members~~, which~~and that agency shall provide for the administration of this chapter. The members of the agency shall consist of one member from each congressional district ~~and one member at large~~. The Governor, upon the advice and consent of the Senate, shall appoint the members~~. The members first appointed having been designated by the Governor to serve for terms of one, two, three, four, five, six and seven years respectively, each member of the Agency thereafter shall be appointed~~ for a term of seven years. The terms of office shall always remain staggered so that the term of one member shall expire every year with appointments to fill unexpired terms caused by death, resignation, or disability.”

SECTION \_\_\_. Section 44‑20‑225 of the 1976 Code, as last amended by Act 47 of 2011, is further amended to read:

“Section 44‑20‑225.(A) The Governor shall appoint a seven‑member consumer advisory board with the advice and consent of the Senate for each of the following divisions: the Intellectual Disability Division, the Autism Division, and the Head and Spinal Cord Injury Division. One member must be a resident of each congressional district~~, and one must be from the State at large~~.

(B) The membership of each advisory board must consist of persons with knowledge and expertise in the subject area of that division. In making ~~such~~ appointments, race, gender, and other demographic factors should be considered to ensure nondiscrimination, inclusion and representation to the greatest extent possible of all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed.

(C) The members of the commission shall receive subsistence, mileage, and per diem as ~~may be~~ provided by law for members of state boards, committees, and commissions.

(D) Terms of the members ~~shall~~must be for four years and until their successors are appointed and qualify, except that of the original appointees, two ~~shall~~must be appointed for a period of two years, two ~~shall~~must be appointed for a period of three years, and three ~~shall~~must be appointed for a period of four years.”

SECTION \_\_\_. Section 48‑4‑30 of the 1976 Code is amended to read:

“Section 48‑4‑30. (A) The department ~~shall~~must be governed by a board consisting of seven non‑salaried board members. Board members of the former Department of Wildlife and Marine Resources shall serve as board members for the Department of Natural Resources until their terms expire and their successors are appointed and qualify. All board members ~~shall~~must be appointed by the Governor with the advice and consent of the Senate. One member ~~shall~~must be appointed from each congressional district of the State ~~and one shall be appointed from the state at‑large~~. In making appointments, race, gender, and other demographic factors should be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of the State; however, consideration of these factors in making an appointment in no way creates a cause of action or basis for an employee grievance for a person appointed or for a person who fails to be appointed. Board members must possess sound moral character, superior knowledge in the fields of wildlife, marine, and natural resource management, and proven administrative ability.

(B) The Governor may remove ~~any~~a board member pursuant to the provisions of Section 1‑3‑240.

(C) Terms of the members ~~shall~~must be for four years and until their successors are appointed and qualify. If a vacancy occurs when the General Assembly is not in session, it must be filled by the Governor’s appointment for the unexpired term, subject to confirmation by the Senate at the next session of the General Assembly.

(D) Each board member, within thirty days after notice of appointment and before taking office, shall take and file with the Secretary of State the oath of office prescribed by the State Constitution.

(E) One of the members of the board ~~shall~~must be designated by the Governor to serve as chairman.”

SECTION \_\_\_. Section 48‑39‑40(A) of the 1976 Code is amended to read:

“(A) On July 1, 1994, there is created the Coastal Zone Management Appellate Panel ~~which~~that consists of ~~fourteen~~ fifteen members, which shall act as an advisory council to the Department of Health and Environmental Control. The members of the panel ~~shall~~must be constituted as follows: eight members, one from each coastal zone county, to be elected by a majority vote of the members of the House of Representatives and a majority vote of the Senate members representing the county from three nominees submitted by the governing body of each coastal zone county, each House or Senate member to have one vote; ~~six~~ seven members, one from each of the congressional districts of the State, to be elected by a majority vote of the members of the House of Representatives and the Senate representing the counties in that district, each House or Senate member to have one vote. The panel shall elect a chairman, ~~vice‑chairman~~vice chairman, and other officers it considers necessary.”

SECTION \_\_\_. Section 48‑59‑40(A) of the 1976 Code is amended to read:

“(A) There is established the South Carolina Conservation Bank. The bank is governed by a ~~twelve~~ thirteen‑member board selected as follows:

(1) the Chairman of the Board for the Department of Natural Resources, the Chairman of the South Carolina Forestry Commission, and the Director of the South Carolina Department of Parks, Recreation and Tourism, all of whom shall serve ex officio and without voting privileges;

(2) three members appointed by the Governor from the State at large;

(3) three members appointed by the Speaker of the House of Representatives, one each from the third, fourth, and sixth congressional districts; ~~and~~

(4) three members appointed by the President Pro Tempore of the Senate, one each from the first, second, and fifth congressional districts~~.~~; and

(5) one member appointed jointly by the Speaker of the House of Representatives and the President Pro Tempore of the Senate from the seventh congressional district.”

SECTION \_\_\_. Section 51‑13‑1720 of the 1976 Code is amended to read:

“Section 51‑13‑1720. The Authority ~~shall~~must be governed by a board of regents consisting of ~~nine~~ ten members, as follows:

(a) The resident Senator for Colleton County shall serve ex officio;

(b) The Representative in whose district the present Village of Jacksonborough is situate shall serve ex officio;

(c) Four members resident in Colleton County appointed by the Governor upon recommendation of the Colleton County Legislative Delegation;

(d) One member resident in the First or Second Congressional District appointed by the Governor with the advice and consent of the Senate;

(e) One member resident in the Third or Fourth Congressional District appointed by the Governor with the advice and consent of the Senate;

(f) One member resident in the Fifth or Sixth Congressional District appointed by the Governor with the advice and consent of the Senate~~.~~;

(g) one member resident in the seventh congressional district appointed by the Governor with the advice and consent of the Senate.

The terms of the members ~~shall~~must be for four years and until their successors are appointed and qualify except that those originally appointed to the board of regents, four shall serve two years and three shall serve for four years. The length of such terms ~~shall~~must be determined by lot. In the case of ~~any~~a vacancy, the vacancy ~~shall~~must be filled in the manner of the original appointment for the unexpired portion of the term only. The board of regents, upon being appointed, shall meet and elect a chairman and ~~such~~ other officers ~~as~~ it deems necessary from its membership.”

SECTION \_\_\_. Section 51‑17‑50 of the 1976 Code, as last amended by Act 361 of 1994, is further amended to read:

“Section 51-17-50. The Heritage Trust Advisory Board is hereby created to assist the board of the department in carrying out its duties and responsibilities under this chapter. The advisory board shall consist of ~~seventeen~~ eighteen members who ~~shall~~must be chosen as follows and shall elect from its membership a chairman:

~~1.~~(1) From the general public, ~~six~~ seven persons, one from each congressional district within the State, who ~~shall~~must be appointed by the Governor and serve for a term of six years. Of these six, four persons ~~shall~~must be from the scientific community who are recognized and qualified experts in the ecology of natural areas, and two persons ~~shall~~must be from the cultural community who are recognized and qualified experts in the history and archeology of the State. The term ‘expert’ does not of necessity denote a professional but one learned and interested in the field.

~~2.~~(2) From state government, the following persons or their designees:

~~A.~~(a) the Chairman of the board of the Department of Natural Resources;

~~B.~~(b) the Director of the Department of Natural Resources;

~~C.~~(c) the Director of the South Carolina Department of Park, Recreation and Tourism;

~~D.~~(d) the Director of the Land Resources Conservation Districts Division of the Department of Natural Resources;

~~E.~~(e) the Director of the South Carolina Department of Archives and History;

~~F.~~(f) the State Forester;

~~G.~~(g) the State Archeologist;

~~H.~~(h) the Director of the State Museum; and

~~I.~~(i) the Secretary of Commerce.

~~Provided, however, of the initial appointees under this section, that of the six persons appointed under Item 1 above, two shall serve for a term of two years, two for a term of four years, and two for a term of six years.~~”

SECTION \_\_\_. Section 51‑18‑60 of the 1976 Code, as added by Act 273 of 2008, is amended to read:

“Section 51‑18‑60. The War Between the States Heritage Trust Advisory Board is ~~hereby~~ created to assist the commission in carrying out its duties and responsibilities under this chapter. The advisory board shall consist of ~~eleven~~ thirteen members who ~~shall~~ must be chosen as follows and shall elect from its membership a chairman:

(1) From the general public, ~~six~~ eight persons, one from each congressional district within the State and one at large, who ~~shall~~ must be appointed by the Governor and serve for a term of six years. These persons ~~shall~~ must be residents of the State who are recognized experts in the history and archeology of the State who have demonstrated an interest in historical, cultural, and natural preservation of historical sites and who have a background in South Carolina history and/or African‑American history and/or Confederate history. The term ‘expert’ does not of necessity denote a professional but one learned and interested in the field.

(2) From state government, the following persons or their designees:

(a) the chairman of the board of the Department of Natural Resources;

(b) the director of the South Carolina Department of Parks, Recreation and Tourism;

(c) the chairman of the board of the Department of Archives and History;

(d) the chairman of the board of the State Museum Commission; and

(e) the curator or director of the South Carolina Confederate Relic Room and Military Museum.

~~Provided, however, of the initial appointees under this section, that of the six persons appointed under item (1) above, two shall serve for a term of two years, two for a term of four years, and two for a term of six years.~~”

SECTION \_\_\_. Section 51‑22‑30(A) of the 1976 Code, as added by Act 145 of 1995, is amended to read:

“(A) There is created a ~~fifteen‑member~~ seventeen‑member board of directors, ~~thirteen~~ fifteen of which ~~shall~~ must be appointed by the Governor. The Governor shall appoint two board members from each congressional district and one board member from the State at large, who shall serve as the chairman. ~~Six board members shall be appointed for two‑year terms, and seven board members shall be appointed for four‑year terms. Subsequent to the initial two‑year terms, all~~ All terms ~~shall be~~ are for four years~~,~~ and members shall serve until their successors are appointed and qualify. In addition, notwithstanding the provisions of Section 8‑13‑770, the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee, or their designees, shall serve as members of the board. The Governor must exercise due diligence in appointing a chairman and board members with backgrounds and experience in conservation, preservation, or recreation, or a combination ~~thereof~~of those backgrounds.”

SECTION \_\_\_. Section 57‑1‑310 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑310. (A) The congressional districts of this State are constituted and created Department of Transportation Districts of the State, designated by numbers corresponding to the numbers of the respective congressional districts. The Commission of the Department of Transportation ~~shall~~must be composed of one member from each transportation district elected by the delegations of the congressional district ~~and one member appointed by the Governor from the State at large~~. ~~Such~~These elections or appointments, ~~as the case may be,~~ shall take into account race and gender so as to represent, to the greatest extent possible, all segments of the population of the State; however, consideration of these factors in making an appointment or in an election in no way creates a cause of action or basis for an employee grievance for a person appointed or elected or for a person who fails to be appointed or elected.

(B)~~(1)~~ Candidates for election to the commission must be screened by the Joint Transportation Review Committee, as provided in Article 7 of this chapter, and determined to meet the qualifications contained in subsection (C) in order to be eligible for election.

~~(2)~~ ~~The at‑large appointment made by the Governor must be transmitted to the Joint Transportation Review Committee. The Joint Transportation Review Committee must determine whether the at‑large appointee meets the qualifications in subsection (C) and report its findings to the General Assembly and the Governor. Until the Joint Transportation Review Committee finds a gubernatorial appointee qualified, the appointee must not take the oath of office and the full rights and privileges and powers of the office shall not vest.~~

(C) The qualifications that each commission member must possess, include, but are not limited to:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face‑to‑face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962; or

(2) a background of at least five years in any combination of the following fields of expertise:

(a) transportation;

(b) construction;

(c) finance;

(d) law;

(e) environmental issues;

(f) management; or

(g) engineering.

(D) ~~No~~A member of the General Assembly or member of his immediate family ~~shall~~must not be elected or appointed to the commission while the member is serving in the General Assembly; nor shall a member of the General Assembly or a member of his immediate family be elected or appointed to the commission for a period of four years after the member either:

(1) ceases to be a member of the General Assembly; or

(2) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.”

SECTION \_\_\_. Section 57‑1‑330 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑330. (A) For ~~the~~ purposes of electing a commission member, a legislator shall vote only in the congressional district in which he resides. All commission members are elected to a term of office of four years which expires on February fifteenth of the appropriate year. Commissioners shall continue to serve until their successors are elected and qualify, provided that a commissioner may only serve in a hold‑over capacity for a period not to exceed six months. ~~Any~~A vacancy occurring in the office of commissioner ~~shall~~ must be filled by election or appointment in the manner provided in this article for the unexpired term only. ~~No~~A person is not eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by an elected commission member to maintain residency in the district for which he is elected shall result in the forfeiture of his office.

(B) ~~The at‑large commission member shall serve at the pleasure of the Governor. The at‑large commission member may be appointed from any county in the State unless another commission member is serving from that county. Failure by the at‑large commission member to maintain residence in the State shall result in a forfeiture of his office.~~

~~(C)~~ All elected commission members may be removed from office ~~as provided in~~pursuant to Section 1‑3‑240(C)(1).”

SECTION \_\_\_. Section 58‑3‑20 of the 1976 Code, as last amended by Act 175 of 2004, is further amended to read:

“Section 58‑3‑20. (A) The commission is composed of seven members to be elected by the General Assembly in the manner prescribed by this chapter. ~~For any term beginning after June 30, 2006, each~~ Each member must have:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face‑to‑face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962; and

(2) a background of substantial duration and an expertise in at least one of the following:

(a) energy issues;

(b) telecommunications issues;

(c) consumer protection and advocacy issues;

(d) water and wastewater issues;

(e) finance, economics, and statistics;

(f) accounting;

(g) engineering; or

(h) law.

(B) The review committee may find a candidate qualified although the candidate does not have a background of substantial duration and expertise in one of the eight enumerated areas contained in subsection (A)(2) of this section if three‑fourths of the review committee vote to qualify ~~such~~the candidate and provide written justification of their decision in the report as to the qualifications of the candidates.

(C) The qualification provisions of subsection (A) of this section do not apply to the reelection of ~~any~~a commissioner elected by the General Assembly on March 3, 2004, so long as there is no break in service.

(D)(1) Beginning in 2004, the members of the Public Service Commission must be elected to staggered terms. In 2004, the members representing the second, fourth, and sixth congressional districts must be elected for terms ending on June 30, 2006, and until their successors are elected and qualify. Thereafter, members representing the second, fourth, and sixth congressional districts must be elected to terms of four years and until their successors are elected and qualify. In 2004, the members representing the first, third, and fifth congressional districts ~~and the State at‑large~~ must be elected for terms ending on June 30, 2008, and until their successors are elected and qualify. Thereafter, members representing the first, third, and fifth congressional districts and the State at‑large must be elected to terms of four years and until their successors are elected and qualify.

(2) In 2013, a member representing the seventh congressional district must be elected for a term ending on June 30, 2016, and until his successor is elected and qualified. Thereafter, the member representing the seventh congressional district must be elected to terms of four years and until his successor is elected and qualified. Upon the election and qualification of the member representing the seventh congressional district, an at‑large member elected by the board to satisfy the requirements of subsection (E) immediately shall cease to be a member of the commission.

(E) The General Assembly must provide for the election of the seven‑member commission and elect its members based upon the congressional districts established by the General Assembly pursuant to the latest official United States Decennial Census. If the number of congressional districts is less than seven, additional members must be elected at large to provide for a seven‑member commission.

(F) The Governor may fill vacancies in the office of commissioner until the successor in the office for a full term or an unexpired term, as applicable, has been elected by the General Assembly. In cases where a vacancy occurs on the commission when the General Assembly is not in session, the Governor may fill the vacancy by an interim appointment. The Governor must report the interim appointment to the General Assembly and must forward a formal appointment at its next ensuing regular session.”

SECTION \_\_\_. Section 58‑31‑20(A) of the 1976 Code, as last amended by Act 137 of 2005, is further amended to read:

“(A) The Public Service Authority consists of a board of eleven directors who reside in South Carolina and who shall have the qualifications stated in this section, as determined by the State Regulation of Public Utilities Review Committee pursuant to Section 58‑3‑530(14), before being appointed by the Governor with the advice and consent of the Senate as follows: one from each congressional district of the State; one from each of the counties of Horry, Berkeley, and Georgetown who reside in authority territory and are customers of the authority; and ~~two~~ one from the State at large, ~~one of whom shall~~ who must be chairman. Two of the directors shall have substantial work experience within the operations of electric cooperatives or substantial experience on an electric cooperative board, but must not serve as an employee or board member of an electric cooperative during their term as director. Each director shall serve for a term of seven years, except as provided in this section. At the expiration of the term of each director and of each succeeding director, the Governor must appoint with the advice and consent of the Senate a successor, who shall hold office for a term of seven years or until his successor has been appointed and qualified. In 2013, a member representing the seventh congressional district must be appointed by the Governor with the advice and consent of the Senate. Upon the appointment and qualification of this member, the at‑large member not serving as chairman shall immediately cease to be a member of the board. The member appointed to represent the seventh congressional district shall serve the remainder of the term for which the at‑large member was appointed to serve, and thereafter must be elected to terms of seven years and until his successor is appointed and qualified. In the event of a director vacancy due to death, resignation, or otherwise, the Governor must appoint the director’s successor, with the advice and consent of the Senate, and the successor‑director shall hold office for the unexpired term. No director ~~shall~~ may receive a salary for services as director until the authority is in funds, but each director must be paid his actual expense in the performance of his duties ~~hereunder~~, the actual expense to be advanced from the contingent fund of the Governor until such time as the Public Service Authority is in funds, at which time the contingent fund ~~shall~~ must be reimbursed. After the Public Service Authority is in funds, the compensation and expenses of each member of the board ~~shall~~ must be paid from ~~such~~these funds, and the compensation and expenses must be fixed by the advisory board hereinafter established. Members of the board of directors may be removed for cause~~, as established in~~pursuant to Section 1‑3‑240(C), by the Governor of the State, the advisory board, or a majority ~~thereof~~of them. ~~No~~A member of the General Assembly of the State of South Carolina ~~shall be~~ is not eligible for appointment as director of the Public Service Authority during the term of his office. No more than two members from the same county ~~shall~~ may serve as directors at any time.”

SECTION \_\_\_. Section 59‑7‑10 of the 1976 Code is amended to read:

“Section 59‑7‑10. (A) There is ~~hereby~~ created the South Carolina Educational Television Commission~~, which shall be composed of the Superintendent of Education, who shall be a member of the Commission, ex officio, and in addition the Commission shall be composed of seven members to be appointed by the Governor as follows: One shall be appointed from each of the six congressional districts, and one shall be appointed from the State at large, who shall be named by the Governor as chairman of the Commission. The term of the member who serves ex officio shall be coterminous with the term of the office to which he was elected, and the terms of the members appointed by the Governor shall be for six years, except that of those first appointed two shall serve for terms of two years, two shall serve for terms of four years and three shall serve for terms of six years, after which the terms of all members shall be for six years~~ that is composed of eight members. One member is the Superintendent of the Education, who serves ex officio, and the remaining seven members must be appointed by the Governor with one from each congressional district. The board members shall elect a chairman of the commission from among themselves.

(B) In 2013, the Governor shall appoint a member to represent the seventh congressional district. Upon appointment and qualification of this member, the at‑large member serving at the time of this appointment, if any, must cease to be a member of the commission and the duration of the term of the at‑large member is the amount of time that the member appointed to represent the seventh district must serve before he must be elected for a subsequent term.

(C) The terms of all members must be for six years.”

SECTION \_\_\_. Section 59‑26‑50(a) of the 1976 Code is amended to read:

“(a) There is ~~hereby~~ created as an agency of state government the South Carolina Educator Improvement Task Force composed of ~~twelve~~ thirteen members. The State Superintendent of Education with the advice and consent of the State Board of Education shall appoint six members, one of whom may be himself, one of whom ~~shall~~must be a public school teacher and one of whom ~~shall~~must be a public school administrator. The Governor shall appoint ~~six~~ seven members, one from each congressional district and not less than two of whom ~~shall~~must be employed at state institutions of higher education and not less than one of whom is a member of a local school board. ~~The Governor, as soon as possible after all appointments are made, shall designate one of the twelve members of the Task Force to serve as a temporary chairman of the Task Force. The temporary chairman shall serve in that capacity for a period not to exceed six months and a permanent chairman shall then be elected by the membership of the Task Force.~~ ~~Any~~A vacancy ~~shall~~must be filled in the manner of the original appointment. The members shall receive ~~such~~ per diem, mileage and subsistence as ~~is~~ provided by law for members of state boards, committees and commissions to be paid from funds appropriated for the operation of the State Department of Education. Every consideration ~~shall~~must be given to insure appropriate racial balance in appointments.”

SECTION \_\_\_. Section 59‑47‑10 of the 1976 Code is amended to read:

“Section 59‑47‑10. The Board of Commissioners of the South Carolina School for the Deaf and the Blind shall consist of ~~ten~~ eleven members appointed by the Governor for terms of six years and until their successors are appointed and ~~qualify~~ qualified. Each congressional district must be represented by one board member, who ~~must be~~is a resident of that district, and four members must be appointed at large from the State. Of the members appointed at large, one must be deaf, one must be blind, one must represent the interests of persons with multiple handicaps, and one shall represent the general public. Vacancies must be filled in the manner of the original appointment for the remainder of the unexpired term. The State Superintendent of Education and the executive officer of the Department of Health and Environmental Control are ex officio members of the board.”

SECTION \_\_\_. Section 59‑48‑20(A) of the 1976 Code is amended to read:

“(A)(1) The school is under the management and control of a board of trustees consisting of eleven members, as follows:

(~~1~~a) one member from each congressional district appointed by the Governor;

(~~2~~b) ~~two members~~ one member appointed from this State at large by the Governor;

(~~3~~c) the Chairman of the Joint Legislative Committee to Study the State’s Public Education System, ex officio, or his designee;

(~~4~~d) the State Superintendent of Education, ex officio, or his designee;

(~~5~~e) the Executive Director of the Commission on Higher Education, ex officio, or his designee.

(2) Members appointed by the Governor shall serve for four years and until their successors are appointed and ~~qualify~~ qualified, except that of those first appointed, the members representing the First, Second, and Third Congressional Districts and one at‑large member shall serve for two years and until their successors are appointed and ~~qualify~~ qualified. Members shall receive mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions.

(3) In his appointments, the Governor shall seek to obtain the best qualified persons from the business, industrial, and educational communities, including mathematicians and scientists.

(4) The board of trustees shall explore use of the facilities of Coker College for the school’s campus.”

SECTION \_\_\_. Section 59‑50‑20 of the 1976 Code, as last amended by Act 84 of 2005, is further amended to read:

“Section 59‑50‑20. The school is governed by a board of directors composed of ~~sixteen~~ seventeen members, as follows:

(1) one member from each congressional district, appointed by the Governor;

(2) six members from the State at large, appointed by the Governor;

(3) the Chairman of the Education Oversight Committee, or his designee, who serves ex officio;

(4) the State Superintendent of Education, or his designee, who serves ex officio;

(5) the Executive Director of the Commission on Higher Education, or his designee, who serves ex officio; and

(6) the chairman of the school’s foundation board, or his designee, who serves ex officio.”

SECTION \_\_\_. Section 59‑53‑10 of the 1976 Code is amended to read:

“Section 59‑53‑10. There is ~~hereby~~ created the State Board for Technical and Comprehensive Education (Board) as a continuing body and agency and instrumentality of the State. The board shall consist of ~~ten~~ eleven members, appointed by the Governor for terms of six years and until successors are appointed and qualify. One member must be appointed from each congressional district, with the advice and consent of the legislative delegations of the congressional district involved, and be a resident ~~thereof~~of the congressional district. There must be four at‑large members appointed by the Governor, one of whom must be experienced in the policy development of secondary vocational education and adult basic and adult secondary education, and one of whom must be experienced in the policy development of federal job training programs. The initial terms of office of board members representing congressional districts are for a period of years corresponding to the numerical designation of their respective districts. The initial terms of office of the first at‑large members of the board are for three and six years determined by lot. ~~and~~ The initial term of the at‑large member experienced in the policy development of secondary vocational education and adult basic and adult secondary education is three years, and the initial term of the at‑large member experienced in the policy development of federal job training programs is six years. In addition, the State Superintendent of Education and the Secretary of Commerce shall serve as ex officio members of the board. The chairman must be elected by the board. In case a vacancy ~~shall occur~~occurs a member must be appointed in the same manner for the remainder of the unexpired term. The board shall enter into contracts and make regulations, including policies and guidelines, as considered necessary to fulfill the intent of Sections 59‑5‑61, 59‑43‑20, 59‑53‑10, 59‑53‑20, 59‑53‑40, 59‑53‑50, 59‑53‑57, 59‑54‑10 through 59‑54‑60, subject to the approval of the General Assembly.

SECTION \_\_\_. Section 59‑53‑610 of the 1976 Code is amended to read:

“Section 59‑53‑610. There is created the Denmark Technical College Area Commission which shall serve as the governing body of Denmark Technical College. The commission is a body politic and corporate and consists of eight members who ~~shall~~must be appointed in the manner ~~hereinafter specified~~pursuant to this section. Two members must be residents of Allendale County who ~~shall~~must be appointed by the Governor upon the recommendation of a majority of the members of the General Assembly representing Allendale County. Two members must be residents of Bamberg County who ~~shall~~must be appointed by the Governor upon the recommendation of a majority of the members of the General Assembly representing Bamberg County. Two members must be residents of Barnwell County who ~~shall~~must be appointed by the Governor upon the recommendation of a majority of the members of the General Assembly representing Barnwell County. Two members ~~shall~~must be appointed at large without regard to county of residence by the Governor upon the advice and consent of the Senate. In addition, the member of the State Board for Technical and Comprehensive Education from the ~~third~~ sixth congressional district is a member of the commission ex officio. The members of the commission ~~shall~~must be appointed for terms of four years each and until their successors are appointed and qualify, except that the two at‑large members shall serve initial terms of one year each, the two members from Allendale County shall serve initial terms of two years each, the two members from Bamberg County shall serve initial terms of three years each, and the two members from Barnwell County shall serve initial terms of four years each.

~~Any~~A vacancy ~~shall~~must be filled in the manner of the original appointment for the unexpired portion of the term only. As soon as possible after the initial appointments have been made, the commission shall organize by electing one of its members as chairman, one as vice chairman, and one as secretary. The terms of the initial appointees are extended so that all terms expire on the first of July of the appropriate year.”

SECTION \_\_\_. A. Section 59‑103‑10 of the 1976 Code is amended to read:

“Section 59‑103‑10. There is created the State Commission on Higher Education. The commission shall consist of ~~fourteen~~ fifteen members appointed by the Governor. The membership must consist of one at‑large member to serve as chairman, one representative from each of the ~~six~~ congressional districts, three members appointed from the State at large, three representatives of the public colleges and universities, and one representative of the independent colleges and universities of South Carolina.

The membership of the Commission on Higher Education must be as follows:

(1) ~~Nine~~ Ten members, ~~six~~ seven to represent each of the congressional districts of this State appointed by the Governor upon the recommendation of a majority of the senators and a majority of the members of the House of Representatives comprising the legislative delegation from the district and three members appointed from the State at large upon the advice and consent of the Senate. Each representative of a congressional district must be a resident of the congressional district he represents. In order to qualify for appointment, the representatives from the congressional districts and those appointed at large must have experience in at least one of the following areas: business, the education of future leaders and teachers, management, or policy. A member representing the congressional districts or appointed at large must not have been, during the succeeding five years, a member of a governing body of a public institution of higher learning in this State and must not be employed or have immediate family members employed by any of the public colleges and universities of this State. These members must be appointed for terms of four years and shall not serve on the commission for more than two consecutive terms. However, the initial term of office for a member appointed from an even‑numbered congressional district ~~shall~~must be two years.

If the boundaries of the congressional districts are changed, members serving on the commission shall continue to serve until the expiration of their current terms, but successors to members whose terms expire must be appointed from the newly defined congressional districts. If a congressional district is added, the commission must be enlarged to include a representative from that district.

(2) Three members to serve ex officio to represent the public colleges and universities appointed by the Governor with the advice and consent of the Senate. It ~~shall~~must not be a conflict of interest for ~~any~~a voting ex officio member to vote on matters pertaining to their individual college or university. One member must be serving on the board of trustees of one of the public senior research institutions, one member must be serving on the board of trustees of one of the four‑year public institutions of higher learning, and one member must be a member of one of the local area technical education commissions or the State Board for Technical and Comprehensive Education to represent the State Board for Technical and Comprehensive Education. These members must be appointed to serve terms of two years with terms to rotate among the institutions.

(3) One ex officio member to represent the independent colleges and universities by the Governor upon the advice and consent of the Senate. The individual appointed must be serving as a member of the Advisory Council of Private College Presidents. This member must be appointed for a term of two years and shall serve as a nonvoting member.

(4) One at‑large member to serve as chairman appointed by the Governor with the advice and consent of the Senate. This member must be appointed for a term of four years and may be reappointed for one additional term; however, he may serve only one term as chairman.

The Governor, by his appointments, shall assure that various economic interests and minority groups, especially women and blacks, are fairly represented on the commission and shall attempt to assure that the graduates of no one public or private college or technical college are dominant on the commission. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term. All members of the commission shall serve until their successors are appointed and qualify.”

B. Section 59‑123‑40 of the 1976 Code is amended to read:

“Section 59‑123‑40. The management and control of the university ~~shall~~must be vested in a board of trustees, to be composed as follows: the Governor, ~~(~~or his designee~~)~~, ex officio, ~~twelve~~ fourteen members to be elected by the General Assembly in joint assembly and one member to be appointed by the Governor. The Governor shall make the appointment based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.”

C. Section 59‑123‑50 of the 1976 Code is amended to read:

“Section 59-123-50. The present members of the board of trustees shall continue to serve until July 1, 1966, at which time their terms shall terminate and the members of the board to succeed the present members, and to fill the additional membership provided in Section 59‑123‑40, must be elected at a joint session of the General Assembly on the following dates: On the first Wednesday in February 1966, members representing the medical profession (medical doctor, dentist, registered nurse, or licensed pharmacist) and on the second Wednesday in February 1966, lay members or nonmedical members. One member of the medical profession from each congressional district and one layman or member of a nonmedical profession from each congressional district must be elected. The terms of all members elected commence on July 1, 1966. Of those first elected, the member who represents the medical profession from the first, second, and third congressional districts and lay members or members of the nonmedical profession from the fourth, fifth, and sixth congressional districts must be elected for terms of four years or until their successors are elected and qualify. The member of the board of trustees who represents the medical profession from the fourth, fifth, and sixth congressional districts and the members who are laymen or members of nonmedical professions from the first, second, and third congressional districts must be elected for terms of two years or until their successors are elected and qualify. Effective July 1, 2012, the member who represents the medical profession from the seventh congressional district must be elected to a term of four years and the lay member or member of the nonmedical profession from the seventh congressional district must be elected for an initial term of two years. Their successors must be elected for terms of four years or until their successors are elected and qualify. After its 1984 session, the General Assembly shall elect successors to those members it elects not earlier than the first day of April for a term to begin the following July first. Elections to fill vacancies on the board which are caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to succeed the member expires on the last day of June of the year in which the term of the former member would have expired. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.

The term of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is four years. ~~Any~~A vacancy in the office of the member appointed by the Governor must be filled by appointment for the unexpired term in the same manner of original appointment. If the Governor chooses to designate a member to serve in his stead, as permitted by Section 59‑123‑40, the appointment is effective upon certification to the Secretary of State and shall continue, at the pleasure of the Governor making the appointment, so long as he continues to hold the specified office.”

D. Section 59‑125‑20 of the 1976 Code, as last amended by Act 50 of 2007, is further amended to read:

“Section 59‑125‑20. A. The Board of Trustees of Winthrop University is composed of the Governor and the State Superintendent of Education, or their designees, who are members ex officio of the board, ~~nine~~ ten other members each to be elected by the joint vote of the General Assembly, as hereinafter provided, and two graduates of Winthrop University to be appointed by the Winthrop University Alumni Association, or its successors, as hereinafter provided.

B. In addition to the members of the board in subsection A, there ~~shall~~must be one additional member of the board appointed by the Governor. The Governor shall make the appointment based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina.”

E. Section 59‑125‑30 of the 1976 Code, as last amended by Act 50 of 2007, is further amended to read:

“Section 59‑125‑30. Of the ~~seven~~ ten members to be elected by the General Assembly, one member must be elected from each of the ~~six~~ congressional districts and three members must be elected by the General Assembly from the ~~state~~ State at large. Each representative of a congressional district must be a resident of the congressional district represented. The regular term of office of the elective members of the board of trustees is six years. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina. The elective members of the board of trustees shall continue to serve until the thirtieth day of June of the year in which their terms are scheduled to expire. Those persons elected by the General Assembly shall have their seats designated as the seat number corresponding to the congressional district from which they are elected with the at‑large members designated as ~~Seat Seven,~~ Seat Eight, ~~and~~ Seat Nine, and Seat Ten with the present at‑large member of the board deemed to be serving in Seat ~~Seven~~ Eight. The General Assembly shall hold elections to fill vacancies as they occur on the board by the expiration of terms of office, as follows: Seat One in 2006, Seat Two in 2008, Seat Three in 2004, Seat Four in 2004, Seat Five in 2006, Seat Six in 2008, Seat Seven in 2018, Seat ~~Seven~~ Eight in 2005, Seat ~~Eight~~ Nine in 2008, and Seat ~~Nine~~ Ten in 2009. In 2008, the person elected by the General Assembly to fill Seat ~~Eight~~ Nine shall serve a six‑year term and in 2009, the person elected by the General Assembly to fill Seat ~~Nine~~ Ten shall serve a six‑year term. At the completion of those terms of office, all subsequent members of the board elected by the General Assembly to fill Seats ~~Eight and~~ Nine and Ten ~~shall~~must be elected for six‑year terms. Elections to fill vacancies ~~which are~~ caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to fill the vacancy expires on the last day of June of the year in which the term of the former member would have expired. When there is a vacancy otherwise occurring on the board of trustees among the elected members, the Governor may fill it by appointment until the next session of the General Assembly. The State Superintendent of Education, or the superintendent’s designee, shall serve in Seat ~~Ten~~ Eleven, ex officio. Seat ~~Thirteen~~ Fourteen ~~shall~~must be a member appointed by the Governor. The Governor, or the Governor’s designee, shall serve in Seat ~~Fourteen~~ Fifteen, ex officio. ~~The members of the board elected by the Winthrop University Alumni Association or its successors shall be elected for four‑year terms to fill Seats Eleven and Twelve in 2002.~~ In 2006, the person elected by the Winthrop University Alumni Association, or its successors, to fill Seat ~~Eleven~~ Twelve shall serve a six‑year term and the person elected by the Winthrop University Alumni Association, or its successors, to fill Seat ~~Twelve~~ Thirteen shall serve a four‑year term. At the completion of those terms of office, all subsequent members of the board elected by the Winthrop University Alumni Association, or its successors, to fill Seats ~~Eleven and~~ Twelve and Thirteen ~~shall~~must be elected for six-year terms. The names of those so elected must be certified to the Secretary of State by the president and secretary of the association and they shall take office immediately after the certification. The term of the at-large trustee appointed by the Governor to Seat ~~Thirteen~~ Fourteen is effective upon certification to the Secretary of State and is coterminous with the term of office of the Governor. ~~Any~~A vacancy in the office of the member appointed by the Governor must be filled by appointment of the Governor for the unexpired term in the same manner of original appointment.”

F. Section 59‑127‑20(A) of the 1976 Code is amended to read:

“(A) South Carolina State University is managed and controlled by a board of trustees, composed of thirteen members, twelve of whom are elected by the General Assembly, one member from each congressional district and ~~six~~ five at large for terms of four years each and until their successors are elected and qualify. In electing members of the board, the General Assembly shall elect members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of the State of South Carolina. The Governor of the State, or his designee, is ex officio, the thirteenth member of the board of trustees. In case of a vacancy on the board, the Governor may fill it by appointment until the next session of the General Assembly. Members of the board are entitled to subsistence, per diem, and mileage authorized for members of state boards, committees, and commissions.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively, one corresponding in number to each congressional district and Seats ~~7~~ Eight-~~12~~ Twelve at large. The Governor, or his designee, occupies Seat ~~13~~ Thirteen. ~~Of the three present members of the board who reside in the sixth congressional district, the member with the longest remaining current term shall be the resident member selected from that congressional district occupying Seat 6. The two remaining members not determined to be the resident member from the sixth congressional district shall be considered at‑large members of the board occupying Seats 8 and 12, respectively. The terms of each of these three members shall not be affected by the provisions of this paragraph.~~ Effective July 1, 2012, the member from former Seat Seven is transferred to Seat Eight, the member from former Seat Eight is transferred to Seat Nine, the member from former Seat Nine is transferred to Seat Ten, the member from former Seat Ten is transferred to Seat Eleven, and the member from former Seat Eleven is transferred to Seat Twelve.

The terms of the present members of the board who are elected by the General Assembly expire on the thirtieth day of June of the year in which the terms are scheduled to expire. The General Assembly shall elect successors to the elective trustees not earlier than the first day of April for a term to begin the following July first. Elections to fill vacancies on the board ~~which are~~ caused by the death, resignation, or removal of an elective trustee may be held earlier than the first day of April of the year in which the unexpired term terminates, but the term of the person elected to fill the vacancy expires on the last day of June of the year in which the term of the former member would have expired.”

G. Section 59‑130‑10 of the 1976 Code, as last amended by Act 257 of 2010, is further amended to read:

“Section 59‑130‑10. The board of trustees for the College of Charleston is composed of the Governor of the State, or his designee, who is an ex officio of the board, and ~~seventeen~~ nineteen members, with ~~fifteen~~ seventeen of these members elected by the General Assembly, one member appointed from the State at large by the Governor, and one member appointed by Governor upon recommendation of the College of Charleston Alumni Association. The General Assembly shall elect and the Governor shall appoint these members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of this State.

Of the ~~fifteen~~ seventeen members to be elected, two members must be elected from each congressional district and the remaining three members must be elected by the General Assembly from the State at large.

The term of office of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is coterminous with the term of the Governor appointing him. He shall serve after his term has expired until his successor is appointed and qualifies. The member appointed by the Governor upon recommendation of the College of Charleston Alumni Association shall serve for a term of four years, beginning on July 1, 2010, until his successor is appointed and qualifies. The member must be a South Carolina resident and hold an undergraduate or graduate degree from the College of Charleston.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively as follows: for the First Congressional District, Seats One and Two; for the Second Congressional District, Seats Three and Four; for the Third Congressional District, Seats Five and Six; for the Fourth Congressional District, Seats Seven and Eight; for the Fifth Congressional District, Seats Nine and Ten; for the Sixth Congressional District, Seats Eleven and Twelve; for the Seventh Congressional District, Seats Thirteen and Fourteen; for the at‑large positions elected by the General Assembly, Seats ~~thirteen, fourteen, and~~ Fifteen, Sixteen, and Seventeen. The member appointed by the Governor shall occupy Seat ~~sixteen~~ Eighteen. The member appointed by the Governor upon recommendation of alumni association shall occupy Seat ~~seventeen~~ Nineteen.

~~A person who, as of July 1, 1988, is serving as President of the State College Board of Trustees or is serving on the Planning Committee for the College of Charleston within the State College Board of Trustees has the option of serving as a trustee on the board of trustees for the College of Charleston for an appropriate two‑year term expiring June 30, 1990. This option must be exercised on the first day of the filing period. If two such members file for the same seat, the General Assembly shall elect the board member from those filing.~~

Effective July 1, 1988, the even‑numbered seats of those members elected by the General Assembly must be filled for four‑year terms expiring June 30, 1992. The remaining elective odd‑numbered seats on the board must be filled for two‑year terms beginning July 1, 1988, and expiring June 30, 1990. The trustees for the odd‑numbered seats must then be elected for four‑year terms beginning July 1, 1990, and expiring June 30, 1994. Effective July 1, 2012, the member elected to Seat Thirteen on the board must be elected for two-year terms beginning July 1, 2012, and expiring June 30, 2014, and the member elected to Seat Fourteen on the board must be elected to fill a four-year term beginning July 1, 2012, and expiring June 30, 2016. The General Assembly shall hold elections every two years to select successors of the trustees whose four‑year terms are then expiring. Except as otherwise provided in this chapter, no election may be held before April first of the year in which the successor’s term is to commence. The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected.

If an elective office becomes vacant, the Governor may fill it by appointment until the next session of the General Assembly. The General Assembly shall hold an election at any time during the session to fill the vacancy for the unexpired portion of the term. A vacancy occurring in the appointed office on the board must be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment.”

H. Section 59‑133‑10 of the 1976 Code, as last amended by Act 355 of 2008, is further amended to read:

“Section 59‑133‑10. The board of trustees for Francis Marion ~~College~~ University is composed of the Governor of the State, or his designee, who is an ex officio member of the board, and sixteen members, with fifteen of these members to be elected by the General Assembly and one member to be appointed from the State at large by the Governor. The General Assembly shall elect and the Governor shall appoint these members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of this State.

Of the fifteen members to be elected, ~~two members~~ one member must be elected from each congressional district and the remaining ~~three~~ eight members must be elected by the General Assembly from the State at large.

The term of office of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is coterminous with the term of the Governor appointing him. He shall serve after his term has expired until his successor is appointed and qualifies.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively ~~as follows~~: ~~for the First Congressional District, Seats One and Two; for the Second Congressional District, Seats Three and Four; for the Third Congressional District, Seats Five and Six; for the Fourth Congressional District, Seats Seven and Eight; for the Fifth Congressional District, Seats Nine and Ten; for the Sixth Congressional District, Seats Eleven and Twelve; for the at‑large positions elected by the General Assembly, Seats Thirteen, Fourteen, and Fifteen~~ Seats One through Seven corresponding to the number of each congressional district and Seats Eight through Fifteen to be designated at large. The member appointed by the Governor shall occupy Seat Sixteen.

~~Any person who, as of July 1, 1988, is serving as president of the state college board of trustees or is serving on the planning committee for Francis Marion College within the state college board of trustees has the option of serving as a trustee on the board of trustees for Francis Marion College for an appropriate two‑year term expiring June 30, 1990. Such option must be exercised on the first day of the filing period. If two such members file for the same seat, the General Assembly shall elect the board member from those so filing.~~

Effective July 1, ~~1988, the even‑numbered seats of those members elected by the General Assembly must be filled for four‑year terms expiring June 30, 1992. The remaining elective odd‑numbered seats on the board must be filled for two‑year terms beginning July 1, 1988, and expiring June 30, 1990. The trustees for the odd‑numbered seats must then be elected for four‑year terms beginning July 1, 1990, and expiring June 30, 1994.~~ 2012, the member from former Seat One remains in Seat One, the member from former Seat Three is transferred to Seat Twelve, the member from former Seat Five is transferred to Seat Thirteen, the member from former Seat Seven is transferred to Seat Fourteen, the member from former Seat Nine is transferred to Seat Five, the member from former Seat Eleven is transferred to Seat Six, the member from former Seat Thirteen is transferred to Seat Eight, and the member from former Seat Fifteen is transferred to Seat Ten, with these members continuing to serve until their terms expire on June 30, 2014. A member for Seats Two, Three, Four, Seven, Nine, Eleven, and Fifteen must be elected by the General Assembly in 2012 for a term that expires on June 30, 2016. The General Assembly shall hold elections every two years to select successors of the trustees whose four‑year terms are then expiring. Except as otherwise provided in this chapter, no election may be held before April first of the year in which the successor’s term is to commence. The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected. If an elective office becomes vacant, the Governor may fill it by appointment until the next session of the General Assembly. The General Assembly shall hold an election at any time during the session to fill the vacancy for the unexpired portion of the term. A vacancy occurring in the appointed office on the board must be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment.”

I. Section 59‑135‑10 of the 1976 Code is amended to read:

“Section 59‑135‑10. The board of trustees for Lander ~~College~~ University is composed of the Governor of the State, or his designee, who is an ex officio of the board, and sixteen members, with fifteen of these members to be elected by the General Assembly and one member to be appointed from the State at large by the Governor. The General Assembly shall elect and the Governor shall appoint these members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of this State.

Of the fifteen members to be elected, ~~two members~~ one member must be elected from each congressional district and the remaining ~~three~~ eight members must be elected by the General Assembly from the State at large.

The term of office of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is coterminous with the term of the Governor appointing him. He shall serve after his term has expired until his successor is appointed and qualifies.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively ~~as follows~~: ~~for the First Congressional District, Seats One and Two; for the Second Congressional District, Seats Three and Four; for the Third Congressional District, Seats Five and Six; for the Fourth Congressional District, Seats Seven and Eight; for the Fifth Congressional District, Seats Nine and Ten; for the Sixth Congressional District, Seats Eleven and Twelve; for the at‑large positions elected by the General Assembly, Seats Thirteen, Fourteen, and Fifteen~~ Seats One through Seven corresponding to the number of each congressional district and Seats Eight through Fifteen to be designated at large. The member appointed by the Governor shall occupy Seat Sixteen.

~~Any person who, as of July 1, 1988, is serving as president of the State College Board of Trustees or is serving on the Planning Committee for Lander College within the State College Board of Trustees has the option of serving as a trustee on the board of trustees for Lander College for an appropriate two‑year term expiring June 30, 1990. Such option must be exercised on the first day of the filing period. If two such members file for the same seat, the General Assembly shall elect the board member from those so filing.~~

Effective July 1, ~~1988, the even‑numbered seats of those members elected by the General Assembly must be filled for four‑year terms expiring June 30, 1992. The remaining elective odd‑numbered seats on the board must be filled for two‑year terms beginning July 1, 1988, and expiring June 30, 1990. The trustees for the odd‑numbered seats must then be elected for four‑year terms beginning July 1, 1990, and expiring June 30, 1994.~~ 2012, the member from former Seat One is transferred to Seat Eight, the member from former Seat Three is transferred to Seat Nine, the member from former Seat Five is transferred to Seat Ten, the member from former Seat Seven is transferred to Seat Eleven, the member from former Seat Nine is transferred to Seat Twelve, the member from former Seat Thirteen is to remain in Seat Thirteen, the member from former Seat Fourteen is to remain in Seat Fourteen, and the member from former Seat Fifteen is to remain in Seat Fifteen, with these members continuing to serve until their terms expire on June 30, 2014. The member from former Seat Eleven is transferred to Seat Six with a term that expires on June 30, 2016. A member for Seats One, Two, Three, Four, Five, and Seven must be elected by the General Assembly in 2012 for a term that expires on June 30, 2016. The General Assembly shall hold elections every two years to select successors of the trustees whose four‑year terms are then expiring. Except as otherwise provided in this chapter, no election may be held before April first of the year in which the successor’s term is to commence. The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected.

If an elective office becomes vacant, the Governor may fill it by appointment until the next session of the General Assembly. The General Assembly shall hold an election at any time during the session to fill the vacancy for the unexpired portion of the term. A vacancy occurring in the appointed office on the board must be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment.”

J. Section 59‑136‑110 of the 1976 Code is amended to read:

“Section 59‑136‑110. The board of trustees for Coastal Carolina University is composed of the Governor of the State, or his designee, who is an ex officio member of the board, and sixteen members, with fifteen of these members to be elected by the General Assembly and one member to be appointed from the State at large by the Governor. The General Assembly shall elect and the Governor shall appoint these members based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the board is representative of all citizens of this State.

Of the fifteen members to be elected by the General Assembly, ~~two members~~ one member must be elected from each congressional district and the remaining ~~three~~ eight members must be elected from the State at large.

The term of office of the at‑large trustee appointed by the Governor is effective upon certification to the Secretary of State and is coterminous with the term of the Governor appointing him.

Each position on the board constitutes a separate office and the seats on the board are numbered consecutively ~~as follows~~: ~~for the First Congressional District, Seats One and Two; for the Second Congressional District, Seats Three and Four; for the Third Congressional District, Seats Five and Six; for the Fourth Congressional District, Seats Seven and Eight; for the Fifth Congressional District, Seats Nine and Ten; for the Sixth Congressional District, Seats Eleven and Twelve; for the at‑large positions elected by the General Assembly, Seats Thirteen, Fourteen, and Fifteen~~ Seats One through Seven corresponding to the number of each congressional district and Seats Eight through Fifteen to be designated at large. The member appointed by the Governor shall occupy Seat Sixteen.

The General Assembly shall elect those members of the board of trustees it elects during its 1993 Session. Members initially elected from Seats One, Three, Five, Seven, Nine, Eleven, Thirteen, and Fifteen ~~shall~~must be elected for two‑year terms and members initially elected from Seats Two, Four, Six, Eight, Ten, Twelve, and Fourteen ~~shall~~must be elected for four‑year terms. Thereafter, their successors ~~shall~~must each be elected for four‑year terms.

Effective July 1, 2012, the member from former Seat Two is transferred to Seat Twelve, the member from former Seat Three is transferred to Seat Two, the member from former Seat Four is transferred to Seat Fifteen, the member from former Seat Five is transferred to Seat Thirteen, the member from former Seat Six is transferred to Seat Three, the member from former Seat Six is transferred to Seat Three, the member from former Seat Seven is transferred to Seat Eleven, the member from former Seat Eight is transferred to Seat Four, the member from former Seat Nine is transferred to Seat Ten, the member from former Seat Ten is transferred to Seat Five, the member from former Seat Eleven is transferred to Seat Eight, the member from former Seat Twelve is transferred to Seat Seven, the member from former Seat Thirteen is transferred to Seat Nine, and the member from former Seat Fifteen is transferred to Seat Fourteen.

The General Assembly shall hold elections every two years to select successors of the trustees whose terms are expiring in that year. Except as otherwise provided in this chapter, no election may be held before April first of the year in which the successor’s term is to commence. The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected and all members shall serve until their successors are elected or appointed and qualify.

If an elective office becomes vacant, the Governor may fill it by appointment until the next session of the General Assembly. The General Assembly shall hold an election at any time during the session to fill the vacancy for the unexpired portion of the term. A vacancy occurring in the appointed office on the board must be filled for the remainder of the unexpired term by appointment in the same manner of the original appointment.”

K. Section 60‑1‑10 of the 1976 Code is amended to read:

“Section 60‑1‑10. There is created the South Carolina State Library governed by the State Library Board consisting of seven members, one from each congressional district ~~and one from the State at large~~. The members must be appointed by the Governor for terms of five years and until their successors are appointed and qualify. All vacancies must be filled in the manner of the original appointment for the unexpired term.

~~No~~A person is not eligible to serve as a member of the board for more than two successive terms, except that a person appointed to fill an unexpired term may be reappointed for two full terms.”

L. Section 60‑13‑10 of the 1976 Code is amended to read:

“Section 60‑13‑10. There is ~~hereby~~ created the South Carolina Museum Commission composed of ~~nine~~ ten members appointed by the Governor for terms of four years and until successors are appointed and qualify. One member ~~shall~~must be appointed from each congressional district of the State and three members ~~shall~~must be appointed at large. One of the at‑large members ~~shall~~must be appointed chairman of the commission by the Governor. Vacancies for any reason ~~shall~~must be filled in the manner of original appointment for the unexpired term.

Notwithstanding the provisions ~~above~~ prescribing four‑year terms for members of the commission, the members appointed from even‑numbered congressional districts and one at‑large member other than the chairman ~~shall~~must be initially appointed for terms of two years only.”

SECTION \_\_\_. In the event that elections for incumbent university board of trustees’ seats whose terms are expiring this year are not held prior to June 30, 2012, current board members will retain their seats until the General Assembly reconvenes and holds elections. /

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND STATUTES CREATING CERTAIN BOARDS AND COMMISSIONS WHOSE MEMBERS ARE APPOINTED OR ELECTED BY CONGRESSIONAL DISTRICT, WHICH ARE UNDER THE JURISDICTION OF THE SOUTH CAROLINA SENATE JUDICIARY COMMITTEE PURSUANT TO SOUTH CAROLINA SENATE RULE 19, RELATING TO THE STATE HUMAN AFFAIRS COMMISSION, THE STATE COMMISSION ON MINORITY AFFAIRS, THE STATE ETHICS COMMISSION, THE PUBLIC SERVICE COMMISSION, THE PUBLIC SERVICE AUTHORITY, THE DIVISION FOR THE REVIEW OF THE FOSTER CARE OF CHILDREN, THE CHILDREN’S TRUST FUND OF SOUTH CAROLINA, AND THE BOARD OF JUVENILE PAROLE, NAMELY, SECTION 1‑13‑40, SECTION 1‑31‑10, SECTION 8‑13‑310, SECTION 58‑3‑20, SECTION 58‑31‑20, SECTION 63‑11‑700, SECTION 63‑11‑920, AND SECTION 63‑19‑610 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, SO AS TO PROVIDE FOR THE ADDITIONAL CONGRESSIONAL DISTRICT ASSIGNED TO SOUTH CAROLINA PURSUANT TO THE 2010 CENSUS.

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

SECTION 1. Section 1‑13‑40(b) of the 1976 Code is amended to read as follows:

“(b) The commission shall consist of ~~fifteen members, with two members~~ a member from each congressional district appointed by the Governor, with the advice and consent of the Senate, and ~~three~~ two members at large appointed by the Governor. ~~The first appointed members from the first and second congressional districts and one at large member shall serve until June, 1984. The first appointed members from the third and fourth congressional districts and one at large member shall serve until June, 1985.~~ ~~Thereafter all~~ Each member~~s~~ shall serve for a term of three years and until their successors are appointed and qualify. Vacancies shall be filled in the manner of the original appointment for the unexpired term.”

SECTION 2. Section 1‑31‑10 of the 1976 Code is amended to read as follows:

“Section 1‑31‑10 There is created a State Commission for Minority Affairs consisting of nine members and the Governor ex officio. The Governor must appoint one person from each of the ~~six~~ congressional districts of the State and ~~three~~ two persons from the State at large upon the advice and consent of the Senate. The Governor shall designate the chairman. The members serve for a term of four years and until their successors are appointed and qualify. A vacancy must be filled in the same manner as original appointment for the remainder of the unexpired term. A majority of the members of the commission must be African American.”

SECTION 3. Section 8‑13‑310(B) of the 1976 Code is amended to read as follows:

“(B) There is created the State Ethics Commission composed of nine members appointed by the Governor, upon the advice and consent of the General Assembly. One member shall represent each of the ~~six~~ seven congressional districts, and ~~three~~ two members must be appointed from the State at large. No member of the General Assembly or other public official shall be eligible to serve on the State Ethics Commission. The Governor shall make the appointments based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the commission is representative of all citizens of the State of South Carolina.”

SECTION 4. Section 58‑3‑20(D) and (E) of the 1976 Code are amended to read as follows:

“(D)(1) Beginning in 2004, the members of the Public Service Commission must be elected to staggered terms. In 2004, the members representing the second, fourth, and sixth congressional districts must be elected for terms ending on June 30, 2006, and until their successors are elected and qualify. Thereafter, members representing the second, fourth, and sixth congressional districts must be elected to terms of four years and until their successors are elected and qualify. In 2004, the members representing the first, third, and fifth congressional districts and the State at large must be elected for terms ending on June 30, 2008, and until their successors are elected and qualify. Thereafter, members representing the first, third, and fifth congressional districts and the State at large must be elected to terms of four years and until their successors are elected and qualify.

(2) In the event there are seven congressional districts, the member elected from the State at large shall serve until the expiration of his term, and thereafter a member representing the seventh congressional district must be elected in the same manner and for the same term duration as the State at large member described in subsection (D)(1). Upon the election and qualification of the inaugural member representing the seventh congressional district, the position representing the State at large shall be abolished.

(E) The General Assembly must provide for the election of the seven‑member commission and elect its members based upon the congressional districts established by the General Assembly pursuant to the latest official United States Decennial Census. ~~If the number of congressional districts is less than seven, additional members must be elected at large to provide for a seven‑member commission.~~ In the event the congressional districts established by the General Assembly are under review by a court for compliance with statutory or constitutional requirements, an election scheduled pursuant to subsection (D) shall not be held until a final determination is made by the courts regarding the congressional districts. The inability to hold an election due to judicial review of the congressional districts does not constitute a vacancy on the commission and the commissioners will serve until their successors are elected and qualify.”

SECTION 5. Section 58‑31‑20(A) of the 1976 Code is amended to read as follows:

“(A) The Public Service Authority consists of a board of eleven directors who reside in South Carolina and who shall have the qualifications stated in this section, as determined by the State Regulation of Public Utilities Review Committee pursuant to Section 58‑3‑530(14), before being appointed by the Governor with the advice and consent of the Senate as follows: one from each congressional district of the State; one from each of the counties of Horry, Berkeley, and Georgetown who reside in authority territory and are customers of the authority; and ~~two~~ one from the State at large, ~~one of whom~~ who shall be chairman. Two of the directors shall have substantial work experience within the operations of electric cooperatives or substantial experience on an electric cooperative board~~,~~. ~~but must not~~ No director may serve as an employee or board member of an electric cooperative during ~~their~~ his term as director. Each director shall serve for a term of seven years, except as provided in this section. At the expiration of the term of each director and of each succeeding director, the Governor must appoint with the advice and consent of the Senate a successor, who shall hold office for a term of seven years or until his successor has been appointed and qualified. In the event of a director vacancy due to death, resignation, or otherwise, the Governor must appoint the director’s successor, with the advice and consent of the Senate, and the successor‑director shall hold office for the unexpired term. No director shall receive a salary for services as director until the authority is in funds, but each director must be paid his actual expense in the performance of his duties hereunder, the actual expense to be advanced from the contingent fund of the Governor until such time as the Public Service Authority is in funds, at which time the contingent fund shall be reimbursed. After the Public Service Authority is in funds, the compensation and expenses of each member of the board shall be paid from such funds, and the compensation and expenses must be fixed by the advisory board hereinafter established. Members of the board of directors may be removed for cause, as established in Section 1‑3‑240(C), by the Governor of the State, the advisory board, or a majority thereof. No member of the General Assembly of the State of South Carolina shall be eligible for appointment as Director of the Public Service Authority during the term of his office. No more than two members from the same county shall serve as directors at any time.”

SECTION 6. Section 63‑11‑700(A) of the 1976 Code is amended to read as follows:

“(A) There is created, as part of the Office of the Governor, the Division for Review of the Foster Care of Children. The division must be supported by a board consisting of seven members, all of whom must be past or present members of local review boards. There must be one member from each congressional district ~~and one member from the State at large~~, all appointed by the Governor with the advice and consent of the Senate.”

SECTION 7. Section 63‑11‑920 of the 1976 Code is amended to read as follows:

“Section 63‑11‑920. There is created the Board of Directors for the Children’s Trust Fund of South Carolina composed of seventeen members appointed by the Governor, ~~eleven~~ ten at large from the State from nominees of the Board of Directors of the Children’s Trust Fund, plus one from each of the state’s congressional districts. Members shall serve for terms of four years and until successors are appointed and qualify. Vacancies for any reason must be filled in the manner of the original appointment for the unexpired term.

Members may be paid per diem, mileage, and subsistence as established by the board not to exceed the amounts provided by law for state boards, committees, and commissions. A complete report of the activities of the trust fund must be made annually to the General Assembly.”

SECTION 8. Section 63‑19‑610(A) of the 1976 Code is amended to read as follows:

“(A)(1) There is created ~~under the~~ ~~Department of Juvenile Justice~~ the Board of Juvenile Parole. The parole board is composed of ~~ten~~ seven members appointed by the Governor with the advice and consent of the Senate. ~~Of these members, one must be appointed from each of the six congressional districts and four members must be appointed from the State at large.~~ In making these appointments, the Governor shall select members who are representative of the racial, gender, and geographical diversity of the State. If a vacancy occurs on the parole board when the Senate is not in session, the Governor may appoint a member to fill the vacancy and the appointee is a de facto member until the Senate acts upon the appointment.

(2) The Department of Juvenile Justice shall continue to provide to the Board of Juvenile Parole the budgetary, fiscal, personnel, and training information resources and other support considered necessary by the parole board to perform its mandated functions.”

SECTION 9. The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections on the subject of agencies, boards, commissions, or committees that fall under the jurisdiction of the South Carolina Senate Judiciary Committee pursuant to Senate Rule 19, and whose membership is determined by congressional district.

SECTION 10. Due to the congressional redistricting, any person elected or appointed to serve, or serving, as a member of any board, commission, or committee to represent a congressional district, whose residency is transferred to another district by a change in the composition of the district, may serve, or continue to serve, the term of office for which he was elected or appointed; however, the appointing or electing authority shall appoint or elect an additional member on that board, commission, or committee from the district which loses a resident member on it as a result of the transfer to serve until the term of the transferred member expires. When a vacancy occurs in the district to which a member has been transferred, the vacancy must not be filled until the full term of the transferred member expires. Further, the inability to hold an election or to make an appointment due to judicial review of the congressional districts does not constitute a vacancy.

SECTION 11. This act shall become effective upon approval by the Governor.

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