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CONFERENCE COMMITTEE REPORT ADOPTED -- NOT PRINTED

June 19, 2012

**S. 1088**

Introduced by Senators McConnell, Ford and Knotts

S. Printed 6/5/12--S.

Read the first time February 29, 2012.

**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:

“(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 1‑15‑10 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 3. Section 1‑31‑10 of the 1976 Code is amended to read:

“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 4. Section 6‑19‑30 of the 1976 Code is amended to read:

“Section 6‑19‑30. The fund for such grants shall be from either revenue-sharing trust funds or from general appropriations to the Department of Health and Environmental Control, which shall administer such 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, shall serve ex officio as a member of the committee. The Governor may invite any director or his representative from any 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~~ All members shall be appointed for terms of three years. In the event of a vacancy a successor shall 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, secretary, and such other officers as it may deem desirable. The advisory committee shall select the projects to be funded in accordance with Section 6‑19‑40. Funds may also 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 be made only for water supply and waste water facilities projects on which construction was not commenced before April 1, 1974.”

SECTION 5. 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 6. Section 13‑1‑1050(B) of the 1976 Code 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, and seven, three years;

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

SECTION 7. Section 13‑17‑40 (A) of the 1976 Code is amended to read:

“(A)(1) The SCRA shall consist of a board of twenty‑four 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~~ Committee or his designee, Chairman of the Senate Finance ~~Committee’ s~~ Committee or his 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 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~~ must have at least one of the ten 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 8. Section 24‑21‑10(B) of the 1976 Code is amended to read:

“(B) The Board of Probation, Parole and Pardon Services is composed of seven members. The terms of office of the members are for six years. ~~Six~~ Each of the seven members must be appointed from each of the congressional districts ~~and one member must be appointed at large~~. ~~The at‑large~~ At least one 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 9. 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 10. Section 40‑57‑40(A) of the 1976 Code is amended to read:

“(A) The South Carolina Real Estate Commission consists of ~~nine~~ ten 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 members and senators, representing the house and senate districts located within each of the congressional districts~~.~~;

(2) ~~Two~~ 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~~ the nine 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 11. Section 40‑59‑10(A) of the 1976 Code is amended to read:

“(A) There is created the South Carolina Residential Builders Commission which must be composed of ~~seven~~ eight 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 member of the commission in accordance with Section 1‑3‑240.”

SECTION 12. 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 13. Section 40‑81‑50(A) of the 1976 Code is amended to read:

“(A) There is created the State Athletic Commission consisting of ~~eight~~ nine 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 from the State at large. One of the at‑large appointments shall 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 14. Section 41‑43‑30 of the 1976 Code is amended to read:

“Section 41‑43‑30. There is created the South Carolina Jobs‑Economic Development Authority, a public body corporate and politic and an agency of the State, with the responsibility of effecting the public purposes of this act. The authority is governed by a Board of Directors (board) which consists of ~~nine~~ ten members.”

SECTION 15. 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, 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~~ considers 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~~ the Commission considers necessary, none of whom ~~shall~~ may be a member of the Commission, and shall fix the compensation and prescribe the duties of ~~such~~ these 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 16. 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 this 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~~ shall serve a term of seven years. The terms of office ~~shall~~ must always remain staggered so that the term of one member ~~shall expire~~ expires every year with appointments to fill unexpired terms caused by death, resignation, or disability.”

SECTION 17. Section 48‑4‑30 of the 1976 Code is amended to read:

“Section 48‑4‑30. (A) The department shall be governed by a board consisting of ~~seven~~ non‑salaried board members to be appointed and constituted in a manner provided by law. ~~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.~~ The Governor shall appoint one member to serve as chairman, upon the advice and consent of the Senate. The appointment to chairman is subject to the advice and consent of the Senate, even if the person appointed to serve as chairman is already a current member of the board.

(B) All board members shall be appointed by the Governor with the advice and consent of the Senate. One member shall be appointed from each congressional district of the ~~state and one shall be appointed from the state at‑large~~ State.

(C) Notwithstanding subsection (B), membership on the board shall also include the at‑large board member serving on the board on March 1, 2012. The at‑large board member may continue to serve on the board until that board member’s term expires, he is removed from the board as provided by law, or he resigns from the board. At the expiration of the at‑large board member’s term, or upon his removal from or resignation from the board, the provisions of this subsection no longer apply to the composition of the membership of the board.

(D) 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.

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

(F) Terms of the members shall 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.

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

(H) Notwithstanding subsection (E), the terms of members representing congressional districts serving on the board on March 1, 2012, shall terminate on the dates provided in this subsection. The terms of the members representing the Fourth and the Sixth Congressional Districts shall expire July 1, 2012. The terms of the members representing the First, Second, Third, and Fifth Congressional Districts shall expire on July 1, 2014.

(I) Notwithstanding subsection (E), the initial term of the member representing the Seventh Congressional District shall expire July 1, 2016.”

SECTION 18. 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 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 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 19. Section 48‑39‑45(A) of the 1976 Code is amended to read:

“(A)(1) On July 1, 2010, there is created the Coastal Zone Management Advisory Council that consists of ~~fourteen~~ fifteen members, which shall act as an advisory council to the department’s Office of Ocean and Coastal Resources Management.

(2) The members of the council must be constituted as follows:

(a) 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; and

(b) ~~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.

(3) The council shall elect a chairman, vice chairman, and other officers it considers necessary.”

SECTION 20. 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~~ fourteen-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~~ four members appointed by the Speaker of the House of Representatives, one each from the third, fourth, and sixth congressional districts and one member from the State at large; and

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

SECTION 21. 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~~ located 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~~considers necessary from its membership.”

SECTION 22. Section 51‑17‑50 of the 1976 Code 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~~the Chairman of the board of the Department of Natural Resources;

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

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

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

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

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

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

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

~~I.~~(i) ~~The~~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 23. Section 51‑18‑60 of the 1976 Code 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 24. 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 25. Section 58-3-20 of the 1976 Code is 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. Notwithstanding the provisions of this section, members representing the first, third, and fifth congressional districts shall serve until the expiration of their terms, and in 2013, members representing the first, third, and fifth congressional districts must be elected for terms ending on June 30, 2016, and until their successors are elected and qualified

(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 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, the at‑large member elected 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. 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 this section 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 serve until their successors are elected and qualify.

(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 26. Section 58-31-20(A) of the 1976 Code is amended to read:

“(A) The Public Service Authority consists of a board of ~~eleven~~ twelve 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 from the State at large, one of whom ~~shall~~must be chairman. Two of the directors ~~shall~~must have substantial work experience within the operations of electric cooperatives or substantial experience on an electric cooperative board, including one of the two who must have substantial experience within the operations or board of a transmission or generation cooperative. ~~but must not~~ A director shall not serve as an employee or board member of an electric cooperative during ~~their~~ his term as a 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, must appoint 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~~ A director ~~shall~~ may not 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~~the 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 in this section. 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. ~~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 27. 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 28. 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 29. Section 63‑11‑700(A) of the 1976 Code is amended to read:

“(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 30. Section 63‑11‑920 of the 1976 Code is amended to read:

“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 31. Section 63‑19‑610(A) of the 1976 Code is amended to read:

“(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 32. 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 General Assembly, and whose membership is determined by congressional district.

SECTION 33. 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 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 34. This act becomes effective upon approval by the Governor.

/s/Sen. Luke A. Rankin /s/Rep. James H. Harrison

/s/Sen. C. Bradley Hutto /s/Rep. James E. Smith, Jr.

/s/Sen. Paul G. Campbell, Jr. /s/Rep. Jenny Anderson Horne

On Part of the Senate. On Part of the House.

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