

Revised Law Recommendations

Law Recommendation# 19: S.C. Code Ann. 48-9-1220

*The portion of the recommendation the agency is amending is highlighted

Recommendation and rationale for recommendation: Amend. The electors are now determined by the State Election Commission. July 15 is the requirement for the state election commission for ballots to be submitted.

SECTION 48-9-1220. Nomination and election of commissioners.

Effective November, 1982, and in November of the appropriate years thereafter, three commissioners from each district must be elected. The election must be nonpartisan and must be conducted by the county election commission at the same time as other county officers are elected in the general election.

To be placed on the ballot for county offices, each candidate shall submit to the county election commission a nominating petition with the signatures of one hundred qualified registered electors or one percent of the qualified registered electors of the district, whichever is lesser.

~~The official number of qualified registered electors of the geographical area of any office is the number of registered electors of the area registered one hundred twenty days before the date of the election for which the nomination petition is being submitted.~~

The nominees in the petition must be placed on the appropriate official ballot for the election if the petition is submitted to the county election commission not later than twelve noon on ~~August first or, if August first falls on Sunday,~~ July 15, if July 15 falls on Saturday or Sunday, not later than twelve noon on the following Monday. The form of the petition must comply with the requirements in Section 7-11-80 pertaining to the conduct of general elections not conflicting with this section. Candidates must be qualified registered electors and residents of the district in which elected.

The three candidates who receive the largest number of votes cast in the election are elected and shall assume office the following February first.

This election must be conducted pursuant to Title 7, mutatis mutandi, except as otherwise provided for in this section.

Effective with the 1990 election, the two candidates who receive the highest number of votes shall serve for terms of four years each and the other candidate who receives the next highest number of votes shall serve for a term of two years. Thereafter, their successors must be elected in a nonpartisan election to be held at the same time as the general election for terms of four years each.

Presented and Approved by Board/Commission: Y

Other Agencies Impacted: State Election Commission, Soil and Water Conservation District Commissioners.

Director Andino, State Election Commission, sent a letter to the Subcommittee on 11/7/17 stating, "The SEC supports changing the date a petition must be submitted to be consistent with S.C. Code Ann. 7-13-351. However, S.C. Code Ann. 7-13-351 states "...if July 15 falls on a Saturday or Sunday...". The proposed change only includes if July 15 falls on a Sunday. The SEC recommends adding Saturday to the recommendation. Also, the deleted portion of this statute is also included in S.C. Code Ann. 7-11-70, thus the SEC does not see the need for the deletion."

Law Recommendation # 41: S.C. Code Ann. 50-3-510

Original Recommendation

Recommendation and rationale for recommendation: Amend. The department employs a forester, so it is no longer necessary to require that the State Forester approve timber sales. Allows the department to do this if necessary.

SECTION 50-3-510. Authorization to contract; required findings; approval by State Forester. The department may, subject to the provisions of this article, contract for the harvest of timber on any lands held by the department. No contract for such cutting and sale may be entered into and no timber may be cut or sold unless the board votes that the cutting and sale of the timber is for the best interests of the department and the improvement of its lands, by reason of thinning the timber, harvesting the over-age trees and improving general forestry conditions. Before selling or cutting the timber the department ~~may shall~~ coordinate with the State Forester to have the timber cruised and an estimate of the value made. ~~If the State Forester finds that the sale is not in keeping with good forestry practices or will adversely affect the remainder of the timber, the sale must not be made.~~

Presented and Approved by Board/Commission: Y

Other Agencies Impacted: State Forestry Commission

Proposed revisions

SECTION 50-3-510. Authorization to contract; required findings; approval by State Forester. The department may, subject to the provisions of this article, contract for the harvest of timber on any lands held by the department. No contract for such cutting and sale may be entered into and no timber may be cut or sold unless the board votes that the cutting and sale of the timber is for the best interests of the department and the improvement of its lands, by reason of thinning the timber, harvesting the over-age trees and improving general forestry conditions. Before selling or cutting the timber the department ~~may shall~~ coordinate with the State Forester to have the timber cruised and an estimate of the value made. The department shall notify the State Forester at least thirty days prior to bidding of timber sales. The State Forester shall notify the department prior to the bid date if the State Forester finds that the sale is not in keeping with good forestry practices or will adversely affect the remainder of the timber. If the State Forester objects on these grounds, the sale must not be made.