**A** **BILL**

TO AMEND SECTION 48‑39‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CREATION OF THE COASTAL ZONE MANAGEMENT APPELLATE PANEL, SO AS TO CREATE THE COASTAL ZONE MANAGEMENT ADVISORY COUNCIL TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL’S OFFICE OF OCEAN AND COASTAL RESOURCES MANAGEMENT; TO PROVIDE CERTAIN FUNCTIONS OF THE COUNCIL, TO DELETE SPECIAL TERMS OF SERVICE FOR COUNCIL MEMBERS APPOINTED BASED ON RESIDENCE IN THE STATE’S CONGRESSIONAL DISTRICTS SO THAT THESE MEMBERS SERVE THE SAME TERMS AS ALL OTHER MEMBERS; TO PROVIDE THE COUNCIL SHALL MEET AT THE CALL OF ITS CHAIRMAN; TO PROVIDE ADVICE AND COUNSEL OF THE COUNCIL IS NOT BINDING ON THE DEPARTMENT; AND TO PROVIDE ON JULY 1, 2010, MEMBERS OF THE COASTAL ZONE APPELLATE PANEL BECOME MEMBERS OF THE COUNCIL FOR THE DURATION OF THEIR TERMS.

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

SECTION 1. Section 48‑39‑40 of the 1976 Code is amended to read:

“Section 48‑39‑40. (A)(1) On July 1, ~~1994~~ 2010, there is created the Coastal Zone Management ~~Appellate Panel which~~ Advisory Council that consists of fourteen members, which shall act as an advisory council to the ~~Department of Health and Environmental Control~~ department’s Office of Ocean and Coastal Resources Management.

(2) The members of the ~~panel shall~~ 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 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 ~~panel~~ council shall elect a chairman, vice chairman, and other officers it considers necessary.

(B) Terms of all members are for four years and until successors are appointed and ~~qualify~~ qualified. ~~Members from congressional districts serve terms of two years only as determined by lot at the first meeting of the panel.~~ Vacancies must be filled in the original manner of selection for the remainder of the unexpired term.

(C) On July 1, ~~1994~~ 2010, members of the ~~South Carolina~~ Coastal ~~Council~~ Zone Appellate Panel, become members of the ~~South Carolina~~ Coastal Zone ~~Appellate Panel~~ Advisory Council and continue to serve until their terms expire. Upon the expiration of their terms, members must be selected as provided ~~within~~ in this section.

(D)(1) The council shall provide advice and counsel to the staff of the Office of Ocean and Coastal Resources Management in implementing the provisions of the South Carolina Coastal Zone Management Act. The department and the public may bring a matter concerning implementation of the provisions of this act by operation of its permitting and certification process, including the promulgation of regulations, to the council’s attention.

(2) The council shall meet at the call of the chairman.

(3) Advice and counsel of the council is not binding on the department.”

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

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