**South Carolina General Assembly**

119th Session, 2011-2012

**A215, R217, S1059**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Cromer and Elliott

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Introduced in the Senate on January 10, 2012

Introduced in the House on April 17, 2012

Last Amended on April 11, 2012

Passed by the General Assembly on May 31, 2012

Governor's Action: June 7, 2012, Signed

Summary: Governing Board for the Department of Natural Resources

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/14/2011 Senate Prefiled

12/14/2011 Senate Referred to Committee on **Fish, Game and Forestry**

1/10/2012 Senate Introduced and read first time ([Senate Journal‑page 33](file:///h:\sj%20archive\2012\01-10-12.docx))

1/10/2012 Senate Referred to Committee on **Fish, Game and Forestry** ([Senate Journal‑page 33](file:///h:\sj%20archive\2012\01-10-12.docx))

3/8/2012 Senate Committee report: Favorable with amendment **Fish, Game and Forestry** ([Senate Journal‑page 5](file:///h:\sj%20archive\2012\03-08-12.docx))

3/9/2012 Scrivener's error corrected

3/14/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 40](file:///h:\sj%20archive\2012\03-14-12.docx))

3/14/2012 Senate Amended ([Senate Journal‑page 40](file:///h:\sj%20archive\2012\03-14-12.docx))

3/15/2012 Scrivener's error corrected

4/11/2012 Senate Amended ([Senate Journal‑page 26](file:///h:\sj%20archive\2012\04-11-12.docx))

4/11/2012 Senate Read second time ([Senate Journal‑page 26](file:///h:\sj%20archive\2012\04-11-12.docx))

4/11/2012 Senate Roll call Ayes‑42 Nays‑0 ([Senate Journal‑page 26](file:///h:\sj%20archive\2012\04-11-12.docx))

4/12/2012 Senate Read third time and sent to House ([Senate Journal‑page 12](file:///h:\sj%20archive\2012\04-12-12.docx))

4/17/2012 House Introduced and read first time ([House Journal‑page 8](file:///h:\hj%20archive\2012\04-17-12.docx))

4/17/2012 House Referred to Committee on **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 8](file:///h:\hj%20archive\2012\04-17-12.docx))

5/23/2012 House Committee report: Favorable **Agriculture, Natural Resources and Environmental Affairs** ([House Journal‑page 6](file:///h:\hj%20archive\2012\05-23-12.docx))

5/29/2012 House Debate adjourned ([House Journal‑page 18](file:///h:\hj%20archive\2012\05-29-12.docx))

5/30/2012 House Read second time ([House Journal‑page 26](file:///h:\hj%20archive\2012\05-30-12.docx))

5/30/2012 House Roll call Yeas‑79 Nays‑30 ([House Journal‑page 26](file:///h:\hj%20archive\2012\05-30-12.docx))

5/31/2012 House Read third time and enrolled ([House Journal‑page 35](file:///h:\hj%20archive\2012\05-31-12.docx))

6/5/2012 Ratified R 217

6/7/2012 Signed By Governor

6/19/2012 Effective date 06/07/12

6/21/2012 Act No. 215

**VERSIONS OF THIS BILL**

[12/14/2011](file:///p:\pprever\2011-12\1059_20111214.docx)

[3/8/2012](file:///p:\pprever\2011-12\1059_20120308.docx)

[3/9/2012](file:///p:\pprever\2011-12\1059_20120309.docx)

[3/14/2012](file:///p:\pprever\2011-12\1059_20120314.docx)

[3/15/2012](file:///p:\pprever\2011-12\1059_20120315.docx)

[4/11/2012](file:///p:\pprever\2011-12\1059_20120411.docx)

[5/23/2012](file:///p:\pprever\2011-12\1059_20120523.docx)

(A215, R217, S1059)

**AN ACT TO AMEND SECTION 48‑4‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE GOVERNING BOARD OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO ADJUST THE COMPOSITION OF THE BOARD TO REFLECT THE ADDITION OF THE NEW CONGRESSIONAL DISTRICT, TO REVISE THE PROCEDURES BY WHICH A BOARD MEMBER IS APPOINTED CHAIRMAN, AND TO STAGGER THE MEMBERS’ TERMS; TO AMEND SECTION 48‑4‑60, RELATING TO THE APPOINTMENT OF THE DIRECTOR OF THE GOVERNING BOARD OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO PROVIDE THAT THE DIRECTOR MUST BE APPOINTED, WITH THE ADVICE AND CONSENT OF THE SENATE; TO AMEND SECTION 48‑4‑50, RELATING TO THE DUTIES OF THE GOVERNING BOARD, SO AS TO CLARIFY THAT THE GOVERNING BOARD HAS NO DUTY OR AUTHORITY CONCERNING THE MANAGEMENT OF, CONTROL OVER, OR ADMINISTRATION OF THE DAY TO DAY AFFAIRS OF THE DEPARTMENT; AND TO CLARIFY THE EFFECT OF CONGRESSIONAL REAPPORTIONMENT UPON THE MEMBERSHIP AND COMPOSITION OF THE GOVERNING BOARD.**

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

**Composition of Department of Natural Resources governing board**

SECTION 1. Section 48‑4‑30 of the 1976 Code is amended to read:

“Section 48‑4‑30.(A) The department must be governed by a board consisting of nonsalaried board members to be appointed and constituted in a manner provided by law. 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 must be appointed by the Governor with the advice and consent of the Senate. One member must be appointed from each congressional district of the State.

(C) Notwithstanding subsection (B), membership on the board also shall 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 a board member pursuant to Section 1‑3‑240.

(F) Terms of the members 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.

(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.

(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.”

**Appointment of director of governing board**

SECTION 2. Section 48‑4‑60 of the 1976 Code is amended to read:

“Section 48‑4‑60. The board shall appoint a director upon the advice and consent of the Senate. The director shall serve at the pleasure of the board and must be the administrative head of the department. The director must carry out the policies of the board and administer the affairs of the department. The director may exercise all powers belonging to the board within the guidelines and policies established by the board. The director shall manage the administration and organization of the department and may appoint such assistants or deputies the director considers necessary. The director may hire these employees as the director considers necessary for the proper administration of the affairs of the department. The director must prescribe the duties, powers, and functions of all assistants, deputies, and employees of the department.”

**Duties of governing board**

SECTION 3. Section 48‑4‑50 of the 1976 Code is amended to read:

“Section 48‑4‑50. The board must be vested with the duty and authority to set the policies for the department subject only to the laws of this State and the United States. The board has no duty or authority concerning the management of, control over, or administration of the day to day affairs of the department.”

**Effect of congressional reapportionment**

SECTION 4. Notwithstanding another provision of law to the contrary, a person appointed to serve, or serving, as a member of the Department of Natural Resources Board 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, as the representative of the district to which he was transferred for the term of office for which he was appointed; however, the appointing authority shall appoint an additional member to the board 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.

**Time effective**

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 5th day of June, 2012.

Approved the 7th day of June, 2012.

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