**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4489**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

Document Path: l:\council\bills\agm\19332ab12.docx

Introduced in the House on January 10, 2012

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Election of Workers' Compensation Committee members

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/29/2011 Prefiled

11/29/2011 House Referred to Committee on **Labor, Commerce and Industry**

1/10/2012 House Introduced and read first time ([House Journal‑page 59](file:///h:\hj%20archive\2012\01-10-12.docx))

1/10/2012 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 59](file:///h:\hj%20archive\2012\01-10-12.docx))

**VERSIONS OF THIS BILL**

[11/29/2011](file:///p:\pprever\2011-12\4489_20111129.docx)

**A** **BILL**

TO AMEND SECTION 42‑3‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP OF THE WORKERS’ COMPENSATION COMMISSION, SO AS TO PROVIDE THE COMMISSIONERS MUST BE ELECTED BY THE GENERAL ASSEMBLY.

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

SECTION 1. Section 42‑3‑20 of the 1976 Code, as last amended by Act 111 of 2007, is further amended to read:

“Section 42‑3‑20. (A)(1) ~~The commission shall consist of seven members appointed by the Governor with the advice and consent of the Senate for terms of six years and until their successors are appointed and qualify. In the event the Governor does not fill a vacancy within sixty days after the vacancy occurs, the commission by majority vote shall deputize a person with suitable experience, training, and knowledge to serve as a deputy commissioner to serve until such time as the Governor fills the vacancy. As soon as the Governor appoints a replacement who is confirmed by the Senate, the deputy commissioner shall immediately cease to serve in that office. While serving as a deputy commissioner, the deputy commissioner has the power and authority to swear or cause the witnesses to be sworn and shall transmit all testimony and shall make a recommendation to the commission for an award. The commission must determine the award based upon testimony received by the deputy commissioner and may consider the deputy commissioner’s recommendation.~~ The commission consists of seven members elected by the General Assembly in the same manner as circuit court judges. There must be one resident member elected from each of the seven congressional districts of the State. A candidate for the office of workers’ compensation commissioner is subject to all of the provisions applicable to judicial screening provided in Chapter 19, Title 2 or otherwise by law prior to election and must be screened for office by the Judicial Merit Screening Committee.

(2) The terms of the commissioners serving on the effective date of this act terminate on July 1, 2012, at which time the terms of the commissioners elected by the General Assembly pursuant to item (1) commence. The members elected pursuant to this section shall serve terms of four years, and until their successors are elected and qualify, except that the members from the First, Third, and Fifth Congressional Districts shall serve initial terms of two years and until their successors are elected and qualify and, thereafter, must be elected for and serve terms of four years and until their successors are elected and qualify. Vacancies on the commission must be filled by election in the same manner of original election for the remainder of the unexpired term.

(B) The ~~Governor, with the advice and consent of the Senate, shall designate~~ commission members must elect from among themselves one commissioner as chairman for a term of two years, and the chairman may serve two terms during his six‑year term but not consecutively. At the conclusion of a commissioner’s two‑year term as chairman, the Governor shall appoint another chairman. ~~If the Governor does not appoint another chairman at the expiration of the two‑year term, a majority of the commission shall elect from among their members an interim chairman who shall serve until the Governor appoints another chairman other than the one last appointed. A deputy commissioner is not eligible to serve as chairman.~~

(C) The commissioners shall hear and determine all contested cases, conduct informal conferences when necessary, approve settlements, hear applications for full commission reviews, and handle ~~such~~ other matters as may come before the department for judicial disposition. Full commission reviews ~~shall~~ must be conducted by all commissioners, excluding the original hearing commissioner, or by three‑member panels, excluding the original hearing commissioner, appointed by the chairman. The chairman, with approval of a majority of the other commissioners, shall determine which full commission reviews ~~shall be~~ are assigned to panels. The decisions of three‑member panels have the same force and effect as full commission reviews.”

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

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