~~Indicates Matter Stricken~~

Indicates New Matter

POLLED OUT OF COMMITTEE

January 8, 2019

**S. 1**

Introduced by Senators Leatherman, Peeler, Setzler, Massey, Malloy, Rankin and Campsen

S. Printed 1/8/19--S. [SEC 1/9/19 12:07 PM]

Read the first time January 8, 2019.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 1) to amend Section 1-3-210 of the 1976 Code, relating to filling vacancies when the Senate is not in session, to clarify that the Governor may only make, etc., respectfully

**REPORT:**

Has polled the Bill out of committee without report.

**A** **BILL**

TO AMEND SECTION 1-3-210 OF THE 1976 CODE, RELATING TO FILLING VACANCIES WHEN THE SENATE IS NOT IN SESSION, TO CLARIFY THAT THE GOVERNOR MAY ONLY MAKE AN INTERIM APPOINTMENT TO AN OFFICE REQUIRING THE SENATE’S ADVICE AND CONSENT IF THE APPOINTMENT IS MADE DURING THE SAME INTERIM DURING WHICH THE OFFICE BECOMES VACANT; TO PROVIDE THAT, IF THE SENATE DOES NOT CONFIRM AN INTERIM APPOINTMENT DURING THE NEXT ENSUING REGULAR LEGISLATIVE SESSION, THE GOVERNOR MAY NOT MAKE ANOTHER INTERIM APPOINTMENT; AND TO PROVIDE THAT THE GOVERNOR’S AUTHORITY TO MAKE AN INTERIM APPOINTMENT TERMINATES WHEN THE GENERAL ASSEMBLY CONVENES FOR THE REGULAR LEGISLATIVE SESSION FOLLOWING THE INTERIM PERIOD DURING WHICH THE OFFICE BECAME VACANT.

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

SECTION 1. Section 1-3-210 of the 1976 Code is amended to read:

“Section 1-3-210. (A)(1) ~~During the recess of the Senate, vacancy which occurs in an~~ If an office filled by an appointment of the Governor with the advice and consent of the Senate becomes vacant during the interim period between regular legislative sessions, then the office may be filled by an interim appointment of the Governor only if the Governor acts to fill the office during the same interim period during which the office became vacant. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate votes to reject an interim appointee’s formal appointment during the next ensuing regular session then the office is immediately vacant and may not be filled by another interim appointment.

(2) If the Senate does not advise and consent ~~thereto~~ to the formal appointment prior to ~~sine die adjournment~~ the second Thursday in May following the interim period during which the interim appointment was made ~~of the next ensuing regular session~~, the office shall be vacant and the interim appointment shall not serve in hold over status notwithstanding any other provision of law to the contrary. The Governor may not make a subsequent interim appointment for the same vacancy. ~~A subsequent interim appointment of a different person to a vacancy created by a failure of the Senate to grant confirmation to the original interim appointment shall expire on the second Tuesday in January following the date of such subsequent interim appointment and the office shall be vacant.~~

(B) The Governor’s authority to make an interim appointment pursuant to subsection (A) terminates when the General Assembly convenes the regular legislative session following the interim period between regular legislative sessions during which the office became vacant.”

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

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