**A** **BILL**

TO AMEND SECTION 48‑4‑30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GOVERNING BOARD OF THE DEPARTMENT OF NATURAL RESOURCES, SO AS TO ESTABLISH CERTAIN REQUIREMENTS FOR BOARD MEMBERS, TO PROVIDE FOR A NEW APPOINTMENT PROCESS, AND TO PROHIBIT A BOARD MEMBER FROM SERVING MORE THAN TWO CONSECUTIVE TERMS.

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

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~~ members of the board 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)(1) 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.

(2) The Governor shall submit his appointees to the Senate and the House of Representatives for referral. Upon receipt of a referral, the legislative delegation shall meet to approve or disapprove the Governor’s appointee. The question of whether to approve an appointee may be taken up in a full delegation meeting or it may be taken up separately by the senators in the legislative delegation and the members of the House of Representatives in the legislative delegation. To approve an appointee, the appointee must receive a majority of the weighted vote of only the senators in the legislative delegation and a majority of the weighted vote of only the members of the House of Representatives in the delegation. The legislative delegation shall report its findings to the Clerk of the House of Representatives, the Clerk of the Senate, and the Governor whether the appointee was approved by the weighted vote of the members of the legislative delegation from both the House of Representatives and the Senate. If the delegation disapproves the appointee, the Governor shall make another appointment. If the legislative delegation fails to approve the Governor’s appointee within forty‑five days of the appointee’s referral to the delegation, the appointee is deemed to have been disapproved. An appointee must receive a majority of the weighted vote of the members of the legislative delegation from both the House of Representatives and the Senate prior to entering a term of office.

(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.~~

The board shall include two at‑large board members who shall be appointed by the Governor with the advice and consent of the Senate. The Governor must appoint one at‑large board member to serve an initial two‑year term and one to serve a four‑year term.

(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 any board member pursuant to the provisions of 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. No board member may serve more than two consecutive terms.

(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.”

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

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