**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4476**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Chalk, Harrell, Agnew, Clemmons, Brantley, Hardwick, Gambrell, Allison, Miller, Gilliard, Bingham, J.E. Smith, Vick, G.M. Smith, Battle, Daning, Delleney, Duncan, Harrison, Hearn, Herbkersman, Horne, McLeod, Sottile, Umphlett and Willis

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Introduced in the House on January 28, 2010

Currently residing in the House Committee on **Judiciary**

Summary: Commission on State and Federal Relations Act

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/28/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-28-10.docx)‑42

1/28/2010 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2010\01-28-10.docx)‑42

**VERSIONS OF THIS BILL**

[1/28/2010](file:///p:\pprever\2009-10\4476_20100128.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 27 TO TITLE 1 SO AS TO CREATE THE SOUTH CAROLINA COMMISSION ON STATE AND FEDERAL RELATIONS; AND TO AMEND SECTION 1‑5‑40, RELATING TO THE DUTY OF THE SECRETARY OF STATE TO MONITOR BOARDS AND COMMISSIONS, SO AS TO ADD THE COMMISSION.

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

SECTION 1. Title 1 of the 1976 Code is amended by adding:

“CHAPTER 27

South Carolina Commission on State and Federal Relations

Section 1‑27‑10. This chapter must be known as the ‘South Carolina Commission on State and Federal Relations Act’.

Section 1‑27‑20. This chapter is an expression of the concern of the State for the promotion of harmony between the government of this state and the government of the United States and to promote this State’s prerogative to act in the best interests of its citizens with minimal federal involvement.

Section 1‑27‑30. (A) There is hereby created the South Carolina Commission on State and Federal Relations.

(B)(1) The commission must be composed of:

(a) three members of the House of Representatives appointed by the Speaker of the House of Representatives;

(b) three members of the Senate appointed by the President Pro Tempore of the Senate;

(c) three members appointed by the Governor;

(d) the Attorney General, or his designee; and

(e) the Chief Justice, or his designee.

(2) The Attorney General and Chief Justice, or their designees, shall serve ex officio.

(C)(1)(a) An appointed member of the commission may serve:

(i) a term of two years and until his successor is appointed and qualified; and

(ii) may succeed himself.

(b) A vacancy of an appointed member only may be filled in the manner of the original appointment and for the unexpired portion of the term.

(2) The Attorney General, or his designee, shall serve for a term corresponding with the Attorney General’s term of office.

(3) The Chief Justice, or his designee, shall serve for a term corresponding with the Chief Justice’s term of office.

Section 1‑27‑40. (A) The commission shall meet as soon after appointment as practicable and organize itself by electing one of its members as chairman, one of its members as vice chairman, and one of its members as secretary.

(B) A quorum for transacting business at a meeting of the commission must consist of a majority of the membership of the commission.

Section 1‑27‑50. The objective of the commission is to scrutinize the balance between state and federal law and when to address concerns about federal actions that may impose a burden on the State that the commission considers unduly burdensome or in violation of the United States Constitution. In pursuit of this goal, the commission shall:

(1) examine this federal action and conduct research needed to determine whether an undue burden or violation of the United States Constitution may exist;

(2) educate the General Assembly, Governor, and general public about its findings at least through quarterly public reports; and

(3) suggest to the General Assembly and Governor when this federal action requires a response by the State and the manner in which a response should occur.

Section 1‑27‑60. The commission may receive and disburse state, federal, and private grants and other funding for furtherance of the commission’s objectives.

Section 1‑27‑70. The General Assembly shall furnish meeting facilities and staff necessary to conduct its business from existing facilities and staff of the House and Senate.

Section 1‑27‑80. The commission may promulgate regulations necessary to effectuate the purposes of this chapter.”

SECTION 2. Section 1‑5‑40(A) of the 1976 Code is amended to read:

“(A) The office of Secretary of State is designated as the state office whose responsibility it is to monitor positions on the state boards and commissions specified in this subsection and any elected or appointed state boards and commissions established after the effective date of this section. The dates of the terms of office for appointments to boards and commissions made with the advice and consent of the Senate are the dates as certified to the Secretary of State by the Senate. The dates of the terms of office for all other elected or appointed boards and commissions are the dates certified to the Secretary of State by the Governor for his direct appointments and the dates for the terms of office for members of boards and commissions elected by the General Assembly shall be the dates as certified to the Secretary of State by the clerks of the two houses. The specified boards and commissions referred to in this subsection are:

(1) Accountancy, Board of

(2) Aging, Division on Advisory Council

(3) Agriculture Commission

(4) Architectural Examiners, State Board of

(5) Arts Commission

(6) Athletic Commission

(7) Auctioneer’s Commission

(8) Accessibility Committee for the Building Codes Council

(9) Blind, Commission for the

(10) Builders Commission, Residential

(11) Building Code Council

(12) College of Charleston Board of Trustees

(13) Children’s Trust Fund Board of Trustees

(14) Children, Foster Care Review Board

(15) Chiropractic Examiners, State Board of

(16) The Citadel Board of Visitors

(17) Clemson University Board of Trustees

(18) Coastal Carolina University Board of Trustees

(19) Consumer Affairs, Commission on

(20) Contractors’ Licensing Board

(21) Cosmetology, State Board of

(22) Professional Counselors, Associate Counselors and Marital and Family Therapists, State Board of Examiners

(23) Deaf and Blind, School for the

(24) Dentistry Board

(25) Disabilities and Special Needs Commission

(26) Education, State Board of

(27) Education Board, Southern Regional

(28) Education Council

(29) Educational Television Commission

(30) Election Commission

(31) Employment Security Commission

(32) Registration for Professional Engineers and Land Surveyors

(33) Environmental Certification Board

(34) Ethics Commission

(35) Financial Institutions, Board of

(36) Fisheries Commission, Atlantic States Marine

(37) Office of General Services, State Fleet Management

(38) Forestry Commission

(39) Francis Marion University Board of Trustees

(40) Funeral Service Board

(41) Geologists, Board of Registration for

(42) Governor’s Mansion and Lace House Commission

(43) DHEC

(a) Board of Health and Environmental Control

(b) Office of Ocean and Coastal Resource Management Board

(44) Higher Education Commission

(45) Holocaust, Council on the

(46) Housing, Finance and Development Authority

(47) Human Affairs Commission

(48) Indigent Defense, Commission on

(49) Intergovernmental Relations, Advisory Commission on

(50) Jobs and Economic Development Authority

(51) John de la Howe School

(52) Judicial Merit Selection Commission

(53) Juvenile Justice, Dept. of, Board of Juvenile Parole

(54) Lander University Board of Trustees

(55) Law Examiners Board

(56) Legislative Audit Council

(57) Library Board

(58) Liquefied Petroleum Gas Board

(59) Long Term Health Care Administrators, Board of

(60) Manufactured Housing Board

(61) Maternal, Infant and Child Health, Council on

(62) Medical Examiners, Board of

(63) Medical University of South Carolina Board of Trustees

(64) Mental Health, State Department of, Commission

(65) Migrant Farm Workers Commission

(66) Mining Council

(67) Minority Affairs, Commission for

(68) Museum Commission

(69) Natural Resources, Department of

(a) Natural Resources Board

(b) Heritage Trust Advisory Board

(70) Nuclear Advisory Council

(71) Nursing, Board of

(72) Occupational Health and Safety Review Board

(73) Occupational Therapy, Board of

(74) Old Exchange Building Commission

(75) Opportunity School, Wil Lou Gray Board of Trustees

(76) Opticianry, Board of Examiners in

(77) Optometry, Board of Examiners in

(78) Patriots Point Development Authority

(79) Pharmacy, Board of

(80) Physical Therapy Examiners, State Board of

(81) Podiatry Examiners, Board of

(82) Ports Authority Board

(83) Prisoner of War Commission

(84) Probation, Parole and Pardon Services, Board of

(85) Prosecution Coordination, Commission on

(86) Psychology, Board of Examiners in

(87) Public Service Authority, Board of Directors

(88) Public Service Commission

(89) Pyrotechnic Safety, Board of

(90) Radiation Control Technical Advisory Council

(91) Real Estate Commission

(92) Real Estate Appraisers Board

(93) Reorganization Commission

(94) Salary, Executive and Performance Evaluation Commission

(95) Social Work Examiners, Board of

(96) South Carolina State University Board of Trustees

(97) Speech‑Language Pathology and Audiology, Board of Examiners

(98) South Carolina Commission on State and Federal Relations

(~~98~~99) Tax Board of Review

(~~99~~100) Technical and Comprehensive Education, Board for

(~~100~~101) Transportation Department Commission

(~~101~~102) University of South Carolina Board of Trustees

(~~102~~103) Veterinary Medical Examiners, Board of

(~~103~~104) Vocational Rehabilitation, Board of

(~~104~~105) Winthrop University Board of Trustees

(~~105~~106) Women, Governor’s Office, Commission on

(~~106~~107) Workers’ Compensation Commission”

SECTION 3. This act takes effect upon approval by the Governor.

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