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COMMITTEE REPORT

May 23, 2012

**S. 1059**

Introduced by Senators Cromer and Elliott

S. Printed 5/23/12--H.

Read the first time April 17, 2012.

**THE COMMITTEE ON AGRICULTURE, NATURAL**

**RESOURCES AND ENVIRONMENTAL AFFAIRS**

To whom was referred a Bill (S. 1059) to amend Section 48‑4‑30 of the 1976 Code, relating to the composition of the governing board of the Department of Natural Resources, to increase the number, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass:

NELSON L. HARDWICK for Committee.

**A** **BILL**

TO AMEND SECTION 48‑4‑30 OF THE 1976 CODE, RELATING TO THE COMPOSITION OF THE GOVERNING BOARD OF THE DEPARTMENT OF NATURAL RESOURCES, TO INCREASE THE NUMBER OF BOARD MEMBERS TO REFLECT THE ADDITION OF THE NEW CONGRESSIONAL DISTRICT, AND TO DESIGNATE THE AT‑LARGE BOARD MEMBER AS CHAIRMAN.

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 shall be governed by a board consisting of ~~seven~~ non‑salaried board members to be appointed and constituted in a manner provided by law. ~~Board members of the former Department of Wildlife and Marine Resources shall serve as board members for the Department of Natural Resources until their terms expire and their successors are appointed and qualify.~~ 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 shall be appointed by the Governor with the advice and consent of the Senate. One member shall be appointed from each congressional district of the ~~state and one shall be appointed from the state at‑large~~ State.

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

(F) Terms of the members shall 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. ~~One of the members of the board shall be designated by the Governor to serve as chairman.~~

(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. 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 ~~to~~ serve at ~~its~~ the pleasure ~~who~~ of the board and shall 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 as the director considers necessary. The director may hire such 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.”

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

“Section 48-4-50. The board shall be vested with the duty and authority to ~~oversee, manage, and control the operation, administration, and organization of~~ 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.”

SECTION 4. Notwithstanding any other 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.

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

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