**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4121**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Jennings, Hayes, Vick, McLeod, Edge, Bowen, Branham, Limehouse, Sellers, Hutto, Miller, Agnew, Allen, Bowers, Funderburk, Kennedy, J.M. Neal, Ott and G.M. Smith

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Introduced in the House on May 21, 2009

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

Summary: Department of Transportation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/21/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\05-21-09.docx)‑140

5/21/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\05-21-09.docx)‑140

**VERSIONS OF THIS BILL**

[5/21/2009](file:///p:\pprever\2009-10\4121_20090521.docx)

**A** **BILL**

TO AMEND SECTIONS 57‑1‑325 AND 57‑1‑330, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION AND TERMS OF THE DEPARTMENT OF TRANSPORTATION COMMISSIONERS, SO AS TO PROVIDE THAT A COMMISSIONER MAY BE REMOVED FROM OFFICE BY A TWO‑THIRDS VOTE OF THE LEGISLATORS WHO RESIDE IN THE CONGRESSIONAL DISTRICT FROM WHICH A COMMISSIONER IS ELECTED.

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

SECTION 1. Section 57‑1‑325 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57‑1‑325. (A) Legislators residing in the congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district, or removing a commissioner from office. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner or removing a district commissioner from office. No person may be elected commissioner who fails to receive a majority vote of the members of the delegation. A commissioner may be removed from office by a two‑thirds vote of the commissioners for his removal.

(B) The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt such rules as they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation shall immediately transmit the name of the person elected to the Secretary of State who shall issue to the person, after he has taken the usual oath of office, a certificate of election as commissioner. The Governor shall then issue a commission to the person, and pending the issuance of the commission, the certificate of election is sufficient warrant to the person to perform all of the duties and functions of his office as commissioner. Each commissioner shall serve until his successor is elected and qualified.”

SECTION 2. Section 57‑1‑330 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“Section 57-1-330. (A) For the purposes of electing a commission member or removing a commission member from office, a legislator shall vote only in the congressional district in which he resides. All commission members are elected to a term of office of four years which expires on February fifteenth of the appropriate year. Commissioners shall continue to serve until their successors are elected and qualify, provided that a commissioner may only serve in a hold‑over capacity for a period not to exceed six months. Any vacancy occurring in the office of commissioner shall be filled by election or appointment in the manner provided in this article for the unexpired term only. No person is eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by an elected commission member to maintain residency in the district for which he is elected shall result in the forfeiture of his office.

(B) The at‑large commission member shall serve at the pleasure of the Governor. The at‑large commission member may be appointed from any county in the State unless another commission member is serving from that county. Failure by the at‑large commission member to maintain residence in the State shall result in a forfeiture of his office.

(C) All elected commission members may be removed from office as provided in ~~Section~~ Sections 1‑3‑240(C)(1) and 57‑1‑325.”

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

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