**South Carolina General Assembly**

120th Session, 2013-2014

**S. 844**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Cleary

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Introduced in the Senate on January 14, 2014

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

Summary: Appointments by the Governor

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2013 Senate Prefiled

12/10/2013 Senate Referred to Committee on **Judiciary**

1/14/2014 Senate Introduced and read first time ([Senate Journal‑page 43](file:///H:\SJ%20Archive\2014\01-14-14.docx))

1/14/2014 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 43](file:///H:\SJ%20Archive\2014\01-14-14.docx))

1/21/2014 Senate Referred to Subcommittee: Massey (ch), Gregory, Allen

**VERSIONS OF THIS BILL**

[12/10/2013](file:///p:\pprever\2013-14\844_20131210.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑1‑260 SO AS TO PROVIDE THAT ANY APPOINTMENT NOT MADE IN A YEAR BY THE GOVERNOR, AN ELECTED PUBLIC OFFICER, OR AN ELECTED PUBLIC ENTITY BE TRANSFERRED TO AN APPROPRIATE LEGISLATIVE GROUP TO MAKE THE APPOINTMENT.

Whereas, the membership of state and local boards and commissions is diverse and provides for representation from all parts of the state in order to serve the citizens of the state; and

Whereas, filling the membership of state and local boards and commissions is a process that takes time for the Governor, elected public officers, and elected public entities to seek out qualified candidates and to review their credentials; and

Whereas, appointments designated to be made by the Governor, elected public officers, and elected public entities are critical to be made as expediently as possible; and

Whereas, the longer a position on a state or local board or commission is left vacant, the more difficult it is for that board or commission to function; and

Whereas, as long as a position representing a particular region or designated territory of the state is left vacant, the citizens of that region or territory are without a vote on the board or commission; and

Whereas in order to provide a safety net mechanism to ensure full representation on state and local boards and commissions, this legislation is proposed so that appointments may be made in a timely fashion to benefit all citizens. Now therefore,

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

SECTION 1. The 1976 Code is amended by adding:

“Section 2‑1‑260. (A) For purposes of this section:

(1) ‘appropriate legislative group’ means the membership selected as provided in subsection (F) to make an appointment of a position that remains vacant one year after the Governor, elected public officer, or elected public entity has taken office or the vacancy has occurred;

(2) ‘elected public officer’ means a person elected to serve as a mayor, council member, county officer, or municipal officer;

(3) ‘elected public entity’ means an elected authority, board, commission, or council; and

(4) ‘transfer’ means the possession or control of the ability to make an appointment.

(B) The General Assembly intends by enacting this statute that within one year of taking office or a vacancy in a position occurring that the Governor, elected public officer, or elected public entity responsible for appointing the position fill the vacancy.

(C) If the Governor, elected public officer, or elected public entity has not made an appointment to fill a vacancy six months after taking office or six months after the vacancy has occurred, the Secretary of State must notify the Governor, elected public officer, or elected public entity that the position remains vacant.

(D) If the Governor, elected public officer, or elected public entity has not made an appointment to fill a vacancy one year after taking office or one year after the vacancy has occurred, the Secretary of State must notify the Governor, elected public officer, or elected public entity that the position remains vacant and that notice of this vacancy is being provided to the Clerk of the Senate and the Clerk of the House of Representatives so that the power of appointment is transferred to enable the appropriate legislative group to fill the vacancy.

(E) Within five business days of receiving the Secretary of State’s notice that a position requiring appointment by the Governor, elected public officer, or elected public entity has remained vacant for one year, the Clerk of the Senate and the Clerk of the House of Representatives must send the notice of the vacancy to the President Pro Tempore of the Senate and Speaker of the House to designate the appropriate legislative group as provided in subsection (F). Upon the President Pro Tempore of the Senate and Speaker of the House of Representatives’ designation and assignment to the appropriate legislative group, the appointment power for that position must transfer to the appropriate legislative group to make the appointment.

(F) Five business days after being notified by the Secretary of State, the Clerk of the Senate must send notice of the vacancy to the President Pro Tempore of the Senate, and the Clerk of the House of Representatives must send notice of the vacancy to the Speaker of the House of Representatives. Five business days after being notified by the Clerks of the Senate and House of Representatives, the President Pro Tempore of the Senate and Speaker of the House of Representatives must assign the appointment to the following appropriate legislative group to take action by making the appointment:

(1) For an appointment to a statewide position representing the state at‑large and not representing a particular region or territory within the State, the appointment must be transferred to a committee of six members of the General Assembly, composed of three Senators appointed by the President Pro Tempore of the Senate and three members of the House of Representative appointed by the Speaker of the House of Representatives.

(2) For an appointment to a position representing a Congressional district of the State, the appointment must be transferred by the President Pro Tempore of the Senate and Speaker of the House of Representatives to the members of the legislative delegation for the congressional district to make the appointment.

(3) For an appointment to a position representing a judicial circuit within the State, the appointment must be transferred by the President Pro Tempore of the Senate and Speaker of the House of Representatives to the members of the legislative delegation for the judicial circuit to make the appointment.

(4) For an appointment to a position representing a county within the State, the appointment must be transferred by the President Pro Tempore of the Senate and Speaker of the House of Representatives to the members of the legislative delegation for the county to make the appointment.

(5) For an appointment to a position representing either: (a) an area smaller than a county within the State, or (b) a multicounty area, the appointment must be transferred by the President Pro Tempore of the Senate and Speaker of the House of Representatives to the legislative members representing that area to make the appointment.

(G) When an appointment has been transferred to an appropriate legislative group, that appropriate legislative group must make the appointment no later than ninety business days after being assigned the appointment.

(H) All appointments made pursuant to the process in this section must be confirmed by the advice and consent of the Senate. If the Senate is not in session at the time the appointment is made, the person appointed may serve as an interim appointment subject to confirmation as provided in Section 1‑3‑210.

(I) This process does not apply to the appointment of a master‑in‑equity or a magistrate.”

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

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