**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 4415**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Putnam

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Companion/Similar bill(s): 4414

Introduced in the House on January 9, 2018

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

Summary: Public Service Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/9/2017 House Prefiled

11/9/2017 House Referred to Committee on **Judiciary**

1/9/2018 House Introduced and read first time ([House Journal‑page 101](file:///h:\hj\20180109.docx))

1/9/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 101](file:///h:\hj\20180109.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4415&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[11/9/2017](file:///p:\pprever\2017-18\4415_20171109.docx)

**A** **BILL**

TO AMEND SECTION 58‑3‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONTINUATION OF THE PUBLIC SERVICE COMMISSION, SO AS TO PROVIDE THAT THE COMMISSION, AS PREVIOUSLY CONSTITUTED, IS RECONSTITUTED TO CONTINUE IN EXISTENCE; AND TO AMEND SECTION 58‑3‑20, RELATING TO THE MEMBERSHIP, ELECTION, AND QUALIFICATIONS OF THE PUBLIC SERVICE COMMISSION, SO AS TO PROVIDE THAT BEGINNING WITH THE 2018 GENERAL ELECTION, SEVEN MEMBERS OF THE PUBLIC SERVICE COMMISSION MUST BE PUBLICLY ELECTED BY THE QUALIFIED ELECTORS OF THE RESPECTIVE CONGRESSIONAL DISTRICTS IN WHICH THE MEMBERS RESIDE, TO PROVIDE FOR FOUR‑YEAR TERMS, TO ESTABLISH MINIMUM AGE AND RESIDENCY REQUIREMENTS, AND TO PROVIDE THAT THE GOVERNOR, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, AND THE PRESIDENT PRO TEMPORE OF THE SENATE EACH SHALL APPOINT ONE COMMISSIONER TO SERVE AT THE PLEASURE OF THE RESPECTIVE APPOINTING AUTHORITY.

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

SECTION 1. Section 58‑3‑10 of the 1976 Code is amended to read:

“Section 58‑3‑10. (A) The commission, as constituted under law in effect before ~~February 18, 2004, by the Governor~~ the effective date of this act, is reconstituted to continue in existence with the election, appointment, and qualification of the members as prescribed in this article and with the changes in duties and powers as prescribed in this title.

(B) Nothing in this section affects the commission’s jurisdiction over matters pending before the commission, on or before ~~February 18, 2004~~ the effective date of this act.”

SECTION 2. Section 58‑3‑20 of the 1976 Code is amended to read:

“Section 58‑3‑20. (A) The commission is composed of ~~seven~~ ten members, seven of whom must ~~to~~ be publicly elected ~~by the General Assembly~~ in the manner prescribed by this chapter, and an additional three members must be appointed from the State at large in the manner prescribed by this chapter. Each member must ~~have:~~ be at least twenty‑five years of age at the time of his election or appointment, and each publicly elected member must be a qualified elector in the congressional district that he seeks to represent for at least twelve consecutive months preceding the election.

~~(1)~~ ~~a baccalaureate or more advanced degree from:~~

~~(a)~~ ~~a recognized institution of higher learning requiring face‑to‑face contact between its students and instructors prior to completion of the academic program;~~

~~(b)~~ ~~an institution of higher learning that has been accredited by a regional or national accrediting body; or~~

~~(c)~~ ~~an institution of higher learning chartered before 1962; and~~

~~(2)~~ ~~a background of substantial duration and an expertise in at least one of the following:~~

~~(a)~~ ~~energy issues;~~

~~(b)~~ ~~telecommunications issues;~~

~~(c)~~ ~~consumer protection and advocacy issues;~~

~~(d)~~ ~~water and wastewater issues;~~

~~(e)~~ ~~finance, economics, and statistics;~~

~~(f)~~ ~~accounting;~~

~~(g)~~ ~~engineering; or~~

~~(h)~~ ~~law.~~

(B) ~~The review committee may find a candidate qualified although the candidate does not have a background of substantial duration and expertise in one of the eight enumerated areas contained in subsection (A)(2) of this section if three‑fourths of the review committee vote to qualify the candidate and provide written justification of their decision in the report as to the qualifications of the candidates.~~

~~(C)~~ ~~The qualification provisions of subsection (A) of this section do not apply to the reelection of a commissioner elected by the General Assembly on March 3, 2004, so long as there is no break in service.~~

~~(D)(1)~~ Beginning ~~in 2004~~ with the 2018 General Election, ~~the~~ seven members of the Public Service Commission must be publicly elected ~~to staggered terms~~. There is one commissioner for each congressional district in this State, each of whom must be elected by the qualified electors of the congressional district in which the commissioner resides. If qualified to serve pursuant to the provisions of this section, those commissioners serving on the Public Service Commission on the effective date of this section are eligible to seek election in the 2018 General Election. The term of office of a commissioner begins at noon on the first Wednesday following the second Tuesday in January following his election and ends at noon on the first Wednesday following the second Tuesday in January four years later and until their successors are elected and qualify. ~~In 2004, the members representing the Second, Fourth, and Sixth Congressional Districts must be elected for terms ending on June 30, 2006, and until their successors are elected and qualify. Thereafter, members representing the Second, Fourth, and Sixth Congressional Districts must be elected to terms of four years and until their successors are elected and qualify. In 2004, the members representing the First, Third, and Fifth Congressional Districts and the State at large must be elected for terms ending on June 30, 2008, and until their successors are elected and qualify. Thereafter, members representing the First, Third, and Fifth Congressional Districts and the State at large must be elected to terms of four years and until their successors are elected and qualify. Notwithstanding the provisions of this section, members representing the First, Third, and Fifth Congressional Districts shall serve until the expiration of their terms, and in 2013, members representing the First, Third, and Fifth Congressional Districts must be elected for terms ending on June 30, 2016, and until their successors are elected and qualified.~~

~~(2)~~ I~~n the event there are Seven Congressional Districts, the member elected from the State at large shall serve until the expiration of his term, and in 2013, a member representing the Seventh Congressional District must be elected for a term ending on June 30, 2016, and until his successor is elected and qualified. Thereafter, the member representing the Seventh Congressional District must be elected to terms of four years and until his successor is elected and qualified. Upon the election and qualification of the member representing the Seventh Congressional District, the at large member elected to satisfy the requirements of subsection (E) immediately shall cease to be a member of the commission.~~

~~(E)~~ (C) ~~The General Assembly must provide for the election of the seven‑member commission and elect its members~~ The seven elected members of the commission must be elected based upon the congressional districts established by the General Assembly pursuant to the latest official United States Decennial Census. If the number of congressional districts is less than seven, additional members must be elected from the State at large to provide for ~~a seven‑member commission~~ seven elected members. If the number of congressional districts is greater than seven, each additional congressional district may elect one commissioner pursuant to the provisions of this chapter. In the event the congressional districts established by the General Assembly are under review by a court for compliance with statutory or constitutional requirements, an election scheduled pursuant to this section ~~shall~~ must not be held until a final determination is made by the courts regarding the congressional districts. The inability to hold an election due to judicial review of the congressional districts does not constitute a vacancy on the commission and the commissioners serve until their successors are elected and qualify.

~~(F)~~ (D) The Governor may fill vacancies in the office of an elected commissioner until the successor in the office for a full term or an unexpired term, as applicable, has been elected by the ~~General Assembly. In cases where a vacancy occurs on the commission when the General Assembly is not in session, the Governor may fill the vacancy by an interim appointment. The Governor must report the interim appointment to the General Assembly and must forward a formal appointment at its next ensuing regular session~~ qualified electors of the appropriate congressional district.

(E)(1) In addition to the seven publicly elected commissioners, each of the following public officials shall appoint one commissioner from the State at large and who is at least twenty‑five years of age to serve at the pleasure of the respective appointing authority:

(a) the Governor;

(b) the Speaker of the House of Representatives; and

(c) the President Pro Tempore of the Senate.

(2) A vacancy in the office of an appointed commissioner must be filled in the manner of the original appointment.”

SECTION 3. The Code Commissioner is directed to insert the date this act is approved in place of the language “the effective date of this act” as used in Section 58‑3‑10.

SECTION 4. This act takes effect upon approval by the Governor.

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