CHAPTER 39

Midlands Human Resources Development Commission

**SECTION 43‑39‑10.** Midlands Human Resources Development Commission created.

There is hereby created the Midlands Human Resources Development Commission in Richland, Lexington, Newberry and Fairfield counties.

HISTORY: 1976 Act No. 567 Section 1.

**SECTION 43‑39‑20.** Commission to constitute corporate body.

The commission is declared to be a body politic and corporate and shall exercise and enjoy all the rights and privileges as such. Membership on the commission shall not be construed to be an office of honor or profit.

HISTORY: 1976 Act No. 567 Section 2.

**SECTION 43‑39‑30.** Composition of membership; authorization to increase total membership; apportionment of new seats.

(a) The commission shall be composed of twenty‑one members and shall be so constituted that:

(1) one‑third of the members of the commission are elected public officials, or their representatives, unless the number of such officials reasonably available or willing to serve is less than one‑third of the membership of the commission;

(2) at least one‑third of the members are persons chosen in accordance with democratic selection procedures adequate to assure that they are representative of the poor in the areas served; and

(3) the remainder of the members are officials or members of business, industry, labor, religious, welfare, education, or other major groups and interests in the areas served.

(b) The commission shall be authorized to increase the total membership, if necessary, to comply with the provisions of Section 43‑39‑80, or to meet additional federal requirements, provided, however, that any such increase shall be accomplished in multiples of three in order to retain the basic structure of the commission as provided for in subsection (a).

(c) In the event the commission membership is increased under the provisions of Section 43‑39‑80, the three new seats shall be apportioned by the commission among the participating counties, to include a seat for the petitioning group, according to federal regulatory measures promulgated under the Economic Opportunity Act of 1964 (PL 92‑424), and the Headstart, Economic Opportunity, and Community Partnership Act of 1974 (PL 93‑644).

HISTORY: 1976 Act No. 567 Section 3.

CROSS REFERENCES

Terms of office to be served by commission members, see Section 43‑39‑60.

**SECTION 43‑39‑40.** Apportionment of membership between counties.

The twenty‑one members of the commission shall be residents of the areas to which their membership is apportioned, and the total membership shall be divided among the participating counties as follows:

1. Richland County: nine members

2. Lexington County: six members

3. Newberry County: three members

4. Fairfield County: three members

The membership from each county must be constituted as provided for in Section 43‑39‑30.

HISTORY: 1976 Act No. 567 Section 4.

**SECTION 43‑39‑50.** Candidates meeting eligibility criteria confirmed by appointment of Governor.

After the candidates for nomination to the commission have met the eligibility criteria and have been selected for membership in accordance with the requirements of the Economic Opportunity Act of 1964 (PL 92‑424), and the Headstart, Economic Opportunity, and Community Partnership Act of 1974 (PL 94‑644), and the rules and regulations promulgated thereunder, they shall be confirmed as members of the commission by appointment of the Governor upon the recommendation of the respective county council of the four participating counties.

HISTORY: 1976 Act No. 567 Section 5.

Library References

States 47.

Westlaw Topic No. 360.

C.J.S. States Sections 88, 147.

**SECTION 43‑39‑60.** Terms of office.

The terms of office shall be for two years, provided that no public official shall continue to serve if he ceases to be a public official. No member of the commission selected under item (2) and item (3) of Section 43‑39‑30 shall serve for more than five consecutive years, nor more than a total of ten years.

HISTORY: 1976 Act No. 567 Section 6.

Library References

States 51.

Westlaw Topic No. 360.

C.J.S. States Sections 88, 151, 153, 169 to 170.

**SECTION 43‑39‑70.** Compensation; vacancies.

Members of the commission shall serve without compensation except as otherwise provided for by appropriate federal authorization. In the event of a vacancy on the commission it shall be filled for the remainder of the unexpired term by selection and appointment in the same manner as provided for the original appointments.

HISTORY: 1976 Act No. 567 Section 7.

Library References

States 51, 60(1).

Westlaw Topic No. 360.

C.J.S. States Sections 88 to 89, 151, 153, 169 to 170, 196 to 198, 201, 203 to 205.

**SECTION 43‑39‑80.** Commission shall establish procedures for petitions for additional membership.

The commission shall establish procedures under which community agencies or organizations and representative groups of the poor which feel themselves inadequately represented on the commission may petition for adequate membership. In this regard, the commission shall be governed by the federal regulations and guidelines promulgated under Public Law 92‑424 and Public Law 93‑644. If the commission finds that a petition for membership is meritorious and a seat is warranted, they shall increase the membership of the commission as provided for in Section 43‑39‑30(b) and (c).

HISTORY: 1976 Act No. 567 Section 8.

**SECTION 43‑39‑90.** Organization; election of officers; maintenance of current membership record.

Immediately upon appointment of the commission, it shall organize by electing one of its members as chairman, a second as vice‑chairman, a third as secretary and a fourth as treasurer. The commission shall file and maintain a current record of its members with the offices of the Clerk of Court and with the respective legislative delegation in each county represented on the commission.

HISTORY: 1976 Act No. 567 Section 9.

**SECTION 43‑39‑100.** Powers.

The commission is empowered:

(a) to sue and be sued;

(b) to adopt, use and alter a corporate seal;

(c) to make bylaws for the management and regulation of its affairs;

(d) to appoint agents, employees and servants, to prescribe their duties, to fix their compensation, to determine if and to what extent they shall be bonded for the faithful performance of their duties;

(e) to undertake the improvement of communication and cooperation among existing and future programs administered by federal, State, county and municipal governmental agencies and private organizations designed to improve the health, education, welfare, housing or employment of the low income residents of the counties represented by the commission and, with the consent of such agencies and organizations, to coordinate the same;

(f) to enter into contracts and agreements for performance of its programs and duties with federal, State, county and municipal governmental agencies and subdivisions thereof, and private nonprofit organizations;

(g) to receive and expend funds for the performance of its duties in the administration of its programs from such governmental agencies and subdivisions thereof and private nonprofit organizations, as well as any other sources;

(h) to designate an executive committee from among the members of the commission to which may be delegated one or more duties and responsibilities of the commission and, from time to time, to appoint one or more subcommittees to advise and assist in the administration of its program and the performance of its duties; all committees designated should be represented by the three categories in the same proportion as the full commission;

(i) to maintain adequate accounts and records of its activities, receipts and expenses in conformance with requirements of any contract or agreement with any federal, State, county or municipal governmental agency, or subdivision thereof, or any private nonprofit organization;

(j) to acquire, own or hold in trust, preserve, restore, maintain or lease property, facilities and equipment reasonably necessary for the performance of its duties and the administration of its programs;

(k) to do such other things as may be necessary to perform the duties prescribed in this chapter.

HISTORY: 1976 Act No. 567 Section 10.

Library References

States 67.

Westlaw Topic No. 360.

C.J.S. States Sections 224 to 227, 249 to 251, 253.

**SECTION 43‑39‑110.** Exemption from taxation.

All property of the commission shall be exempt from all ad valorem taxes levied by the counties represented on the commission or any municipality therein, or any division, subdivision or agency thereof directly or indirectly.

HISTORY: 1976 Act No. 567 Section 11.

**SECTION 43‑39‑120.** Fiscal year; audit; annual report.

The commission shall conduct its affairs on the fiscal year basis of July first to June thirtieth. As shortly after the close of its fiscal year as may be practicable, an audit of its affairs shall be made by a certified public accountant in good standing, to be designated by the commission. Copies of such audit, incorporated into an annual report of the commission, shall be filed with the legislative delegation and the county council of each participating county.

HISTORY: 1976 Act No. 567 Section 12.

Library References

States 73, 121.

Westlaw Topic No. 360.

C.J.S. States Sections 229, 240 to 249, 253, 322 to 323, 372.

**SECTION 43‑39‑130.** Regular and special meetings; quorum.

Any action required of the commission may be taken at any regular or special meeting, and at such meeting fifty percent of the total membership shall constitute a quorum.

HISTORY: 1976 Act No. 567 Section 13.