CHAPTER 5

Agriculture Commission

**SECTION 46‑5‑10.** Commission created; membership; terms; officers; election of members; vacancies; meetings.

 There is created the Agriculture Commission of South Carolina, to be composed of one member from each judicial circuit and one member from the State at large who shall be designated chairman. The Commissioner of Agriculture shall be a member, ex officio, but without the power to vote. All terms shall be for four years, except that of the chairman, who shall be appointed by the Governor and whose term shall be coterminous with the office of the Governor appointing. The chairman shall be an agricultural producer or grower of agricultural products. The member representing a judicial circuit shall be elected by the legislative delegations representing the circuit. Representation on the Commission shall be rotated among the counties of the circuit except by unanimous consent of all members of the legislative delegation representing the circuit. The Commissioner of Agriculture shall serve as secretary to the Commission. No one shall be appointed or elected who should attain the mandatory retirement age prior to the expiration of his term.

 The legislative delegations representing the counties of each judicial circuit shall meet upon written call of a majority of the members of the delegations of each judicial circuit at a time and place to be designated in such call for the purpose of electing a member of the Commission to represent such circuit. A majority present, either in person or by written proxy, of the members of the county legislative delegations from a given circuit shall constitute a quorum for the purpose of electing a member, but no person shall be declared elected who shall fail to receive a majority vote of all the members of the county legislative delegations from the circuit. The joint county legislative delegations of each circuit shall be organized by the election of a chairman and a secretary and such joint legislative delegations shall, subject to the provisions herein, adopt such rules as they deem proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and secretary of the joint county legislative delegations of each circuit shall immediately transmit the name of the person elected to the Secretary of State who shall forthwith issue to such person, after he has taken the usual oath of office, a certificate of election as a member of the Agriculture Commission of South Carolina. The Governor shall thereupon issue a commission to such person and pending such issuance the certificate of election shall be a sufficient warrant to such person to perform all of the duties and functions of his office.

 Any vacancy shall be filled in the manner as prescribed herein by election by the legislative delegations of the judicial circuit for the unexpired portion of the term.

 The Commission shall meet on the call of the chairman or a majority of the members.

HISTORY: 1962 Code Section 3‑20.51; 1968 (55) 2663; 1981 Act No. 46; 1991 Act No. 248, Section 6, effective January 1, 1992, and governs only transactions which take place after December 31, 1991.

Code Commissioner’s Note

1991 Act No. 248, Section 6, codified as Section 2‑13‑65, effective January 1, 1992, and governs only transactions which take place after December 31, 1991, provides as follows:

“The Code Commissioner is directed to delete all references to legislative members serving in any capacity as a member of a state board or commission, except as allowed by Section 8‑13‑770 of the 1976 Code.”

CROSS REFERENCES

Legislative committees electing members of committees to serve on boards and commissions, rather than chairmen serving as ex officio members, see Section 2‑1‑90.

Library References

Agriculture 2.

Westlaw Topic No. 23.

C.J.S. Agriculture Sections 10 to 31.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Agriculture Section 29, Statutory Authority.

Attorney General’s Opinions

Simultaneously serving on the Agriculture Commission and as a commissioner of a regional housing authority would most probably contravene the dual office holding prohibitions of the State Constitution. 1987 Op.Atty.Gen. No. 87‑53, p 136 (June 1, 1987) 1987 WL 245462.

Commission member may not serve on county board of school trustees. A member of the Agriculture Commission may not serve as a member of a county board of school trustees as it would violate the dual officeholding provision of the State Constitution. 1971‑72 Op.Atty.Gen. No. 3273, p 76 (March 8, 1972) 1972 WL 20418.

**SECTION 46‑5‑20.** Powers.

 The Commission shall have the power to:

 (1) Adopt policies, rules and regulations of the Department of Agriculture for its own government not inconsistent with the laws of the State.

 (2) Annually approve budget requests for the institutions, agencies and service under the control of the Department of Agriculture as prepared by the Commissioner of Agriculture prior to being submitted to the Governor and to the General Assembly.

 (3) Appoint such committees and such members of committees as may be required or as may be desirable to carry out the orderly function of the Commission.

 (4) Cooperate fully with the Commissioner of Agriculture at all times to the end that the State’s agricultural economy may constantly be improved.

 (5) Assume such other responsibilities and exercise such other powers and perform such other duties as may be assigned to it by law.

HISTORY: 1962 Code Section 3‑20.52; 1968 (55) 2663.

Library References

Agriculture 2.

Westlaw Topic No. 23.

C.J.S. Agriculture Sections 10 to 31.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Agriculture Section 30, Powers and Duties.