**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3088**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. McDaniel

Document Path: l:\council\bills\nbd\11131cz19.docx

Companion/Similar bill(s): 238

Introduced in the House on January 8, 2019

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

Summary: Soil and Water Conservation District Commissioners

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Judiciary**

1/8/2019 House Introduced and read first time ([House Journal‑page 81](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 81](file:///h:\hj\20190108.docx))

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**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3088_20181218.docx)

**A** **BILL**

TO AMEND SECTION 48‑9‑1220, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION OF SOIL AND WATER CONSERVATION DISTRICT COMMISSIONERS, SO AS TO AUTHORIZE THE GOVERNOR TO APPOINT COMMISSIONERS WITH THE APPROVAL OF THE COUNTY LEGISLATIVE DELEGATION AND TO AMEND SECTIONS 48‑9‑30, 48‑9‑610, AND 48‑9‑1230, ALL RELATING TO SOIL AND WATER CONSERVATION DISTRICTS, SO AS TO MAKE CONFORMING CHANGES.

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

SECTION 1. A. Section 48‑9‑1220 of the 1976 Code is amended to read:

“Section 48‑9‑1220. (A) Effective November, 1982, and in November of the appropriate years thereafter, three commissioners from each district must be elected. The election must be nonpartisan and must be conducted by the county election commission at the same time as other county officers are elected in the general election.

To be placed on the ballot for county offices, each candidate shall submit to the county election commission a nominating petition with the signatures of one hundred qualified registered electors or one percent of the qualified registered electors of the district, whichever is lesser.

The official number of qualified registered electors of the geographical area of any office is the number of registered electors of the area registered one hundred twenty days before the date of the election for which the nomination petition is being submitted.

The nominees in the petition must be placed on the appropriate official ballot for the election if the petition is submitted to the county election commission not later than twelve noon on August first or, if August first falls on Sunday, not later than twelve noon on the following Monday. The form of the petition must comply with the requirements in Section 7‑11‑80 pertaining to the conduct of general elections not conflicting with this section. Candidates must be qualified registered electors and residents of the district in which elected.

The three candidates who receive the largest number of votes cast in the election are elected and shall assume office the following February first.

This election must be conducted pursuant to Title 7, mutatis mutandi, except as otherwise provided for in this section.

Effective with the 1990 election, the two candidates who receive the highest number of votes shall serve for terms of four years each and the other candidate who receives the next highest number of votes shall serve for a term of two years. Thereafter, their successors must be elected in a nonpartisan election to be held at the same time as the general election for terms of four years each.

(B) Effective November 2020, three commissioners from each district must be appointed by the Governor with the approval of the county legislative delegation. The appointed commissioners shall assume office on February first.”

B. Members currently serving out terms that extend past November 2020 will continue to serve the remainder of their term. When the term expires, that member will continue to serve until his successor is appointed by the Governor and qualified. Nothing in this section prevents a commissioner currently serving on a Soil and Water Conservation District from being appointed by the Governor.

SECTION 2. A. Section 48‑9‑30(2) of the 1976 Code is amended to read:

“(2) ‘Commissioner’ means one of the members of the governing body of a district ~~elected or~~ appointed in accordance with the provisions of this chapter;”

B. Section 48‑9‑610 of the 1976 Code is amended to read:

“Section 48‑9‑610. If the department shall determine that the operation of the proposed district within the defined boundaries is administratively practicable and feasible it shall appoint two commissioners to act with the three commissioners ~~elected~~ appointed as provided in Article 11 of this chapter as the governing body of the district.”

C. Section 48‑9‑1230 of the 1976 Code is amended to read:

“Section 48‑9‑1230. Except as otherwise provided in Section 48‑9‑1220, the term of office of each commissioner is four years, except that in newly created districts ~~the elected commissioners’ terms of office are until the next regular election is held under the provisions of Section 48‑9‑1220 and~~ the first board appointed commissioners must be designated to serve for terms of one and two years, respectively, from the date of their appointment. A commissioner shall hold office until his successor has been ~~elected or~~ appointed and has qualified. Vacancies must be filled for the unexpired term. The selection of successors to fill an unexpired term, or for a full term, must be made in the same manner ~~in which the retiring commissioners shall, respectively, have been selected, except that in the case of a vacancy in the unexpired term of an elected commissioner a successor may be appointed by the board upon the unanimous recommendation of the remaining commissioners~~ as they are appointed pursuant to the provisions of this chapter. Any commissioner may be removed by the board upon notice and hearing for neglect of duty or malfeasance in office, but for no other reason.”

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

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