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Date: 6/30/2017 4:32:46 PM
Subject: SC Tobacco Community Development Board

Good Afternoon Jeff,

The Lieutenant Governor was interested in naming an appointee to the SC Tobacco Community Development Board, it looks like it is likely inactive, but it would he would like to fill the Senate seat regardless.

We had run into a weird ambiguity before with the use of President of the Senate in the code for who did the appointing so I did check with Quentin to see who had historically been making the appointment. We are both of the mind that it would be the Lieutenant Governor as President of the Senate, but to be safe we wanted to consult you. Below is the relevant code section.

SECTION 46-30-230. South Carolina Tobacco Community Development Board.

(A) There is created the South Carolina Tobacco Community Development Board. The board is composed of the following fourteen members:

- (1) Governor who shall serve as chairman;
- (2) Commissioner of Agriculture who shall serve as vice-chairman;
- (3) Attorney General who shall serve as secretary;
- (4) one member of the State Senate to be appointed by the President of the Senate;
- (5) one member of the House of Representatives to be appointed by the Speaker of the House of Representatives;
- (6) two members of the state's congressional delegation selected by a majority of the delegation with each member having one vote;
- (7) six active flue-cured tobacco farmers of the State to be appointed by the Governor; and
- (8) one citizen of the State with a distinguished record of public service to be appointed by the Governor.

(B) The chairman, vice-chairman, secretary, and congressional members serve by virtue of their office. The Senate and House members serve at the pleasure of the President of the Senate and the Speaker of the House of Representatives, respectively. The members of the board appointed by the Governor serve at the Governor's pleasure.

(C) Members serve for a term of four years and until their successors are appointed and qualify. A vacancy on the board must be filled in the same manner as the original appointment for the remainder of the term. A member is not eligible to serve more than two successive four-year terms; however, two additional terms may be served by a member appointed to fill a vacancy when the remainder of that term is three years or less.

(D) Notwithstanding the provisions of subsection (C), the initial members of the board listed below shall serve a two-year term:

- (1) one member of the congressional delegation;
- (2) three of the tobacco farmers; and
- (3) the citizen with a distinguished record of public service.

The other initial members of the board shall serve a four-year term. Successors to each member whose term has expired shall then serve a four-year term.

(E) Members of the board serve without pay but are allowed the usual mileage, per diem, and subsistence as provided by law for members of state boards, committees, and commissions.

(F) Notwithstanding any other provision of law, tobacco farmers may serve on the board; provided, however, members of the board and its employees are subject to the provisions of Chapter 13 of Title 8 of the 1976 Code, the Ethics, Government Accountability and Campaign Reform Act, and Chapter 17 of Title 2 of the 1976 Code, the Lobbyist Reform Act.

HISTORY: 1999 Act No. 77, Section 1, eff June 11, 1999.

Thank you for your assistance.

Best Regards,
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