**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3487**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Parker, Pinson, Bowers, Brannon, Chumley, Toole, Forrester, Bingham, Stringer, Loftis, Atwater, Bowen, Whitmire, Thayer, Patrick, Mitchell, Nanney, Hearn, Agnew, Allison, Anthony, Bannister, Barfield, Brady, Daning, Delleney, Gambrell, Hamilton, Harrell, Harrison, Hayes, Henderson, Herbkersman, Long, Lucas, V.S. Moss, Owens, Pitts, Pope, Quinn, Sandifer, Simrill, G.M. Smith, G.R. Smith, J.R. Smith, Sottile, Spires, Tallon, Umphlett and Willis

Document Path: l:\council\bills\nbd\11177htc11.docx

Companion/Similar bill(s): 13

Introduced in the House on January 27, 2011

Currently residing in the House Committee on **Ways and Means**

Summary: State officer or employee prohibited from authorizing an expenditure

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/27/2011 House Introduced and read first time ([House Journal‑page 14](file:///h:\hj%20archive\2011\01-27-11.docx))

1/27/2011 House Referred to Committee on **Ways and Means** ([House Journal‑page 15](file:///h:\hj%20archive\2011\01-27-11.docx))

**VERSIONS OF THIS BILL**

[1/27/2011](file:///p:\pprever\2011-12\3487_20110127.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 11‑9‑25 SO AS TO PROHIBIT A STATE OFFICER OR EMPLOYEE FROM AUTHORIZING AN EXPENDITURE OR OBLIGATION OR INVOLVE THE STATE IN A CONTRACT OR OBLIGATION WITHOUT APPROPRIATED FUNDS TO PAY THE EXPENDITURE OR OBLIGATION, TO PROHIBIT A STATE OFFICER OR EMPLOYEE FROM MAKING OR AUTHORIZING AN EXPENDITURE OR OBLIGATION EXCEEDING FUNDS AVAILABLE IN A QUARTERLY ALLOCATION PROGRAM, TO PROHIBIT A STATE OFFICER OR EMPLOYEE FROM EMPLOYING PERSONAL SERVICES EXCEEDING THOSE AUTHORIZED BY LAW AND PROVIDE EXCEPTIONS, TO PROVIDE EMPLOYMENT‑RELATED PENALTIES FOR VIOLATIONS, AND TO PROVIDE THAT THESE PENALTIES ARE IN ADDITION TO AND NOT IN LIEU OF ANY OTHER ADMINISTRATIVE OR CRIMINAL PENALTIES FOR VIOLATING OTHER SIMILAR PROVISIONS OF LAW.

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

SECTION 1. Article 1, Chapter 9, Title 1 of the 1976 Code is amended by adding:

“Section 11‑9‑25. (A)(1) An officer or employee of this State may not:

(a) make or authorize an expenditure or obligation exceeding the amount available in an existing state appropriation or existing state fund for the expenditure or obligation; or

(b) unless otherwise authorized by law, involve the state government in a contract or obligation for the payment of money before an appropriation to fund the contract or obligation is made.

(B) An officer or employee of this State may not make or authorize an expenditure or obligation exceeding appropriated funds available as allowed in a quarterly allocation plan instituted pursuant to Section 1‑11‑495(B).

(C)(1) An officer or employee of this State may not employ personal services exceeding that authorized by law except for emergencies involving the safety of human life or the protection of property.

(2) As used in this subsection, ‘emergencies involving the safety of human life or the protection of property’ do not include ongoing, regular functions of state government the suspension of which would not imminently threaten the safety of human life or the protection of property.

(D)(1) If an employee of this State covered by the State Employee Grievance Protection Act is determined by his employing authority knowingly and wilfully to have violated a provision of this section, the officer may be suspended with or without pay, as appropriate and, pending final action pursuant to that act, dismissed, demoted, or otherwise disciplined.

(2) If an ‘at will’ employee or an officer of this State is determined by his employing or appointing authority knowingly and wilfully to have violated a provision of this section, the officer or employee may be dismissed, demoted, or otherwise disciplined. An ‘at will’ employee subject to a personnel action pursuant to this section is nevertheless entitled to appeal that action to his employing or appointing authority at a hearing at which the officer or employee may be represented by a person of his choosing. The decision of the hearing body or officer is final with respect to the disposition of this personnel action.

(E) The provisions of subsection (D) of this section are in addition to and not in lieu of any other administrative or criminal penalties provided by law for violating similar provisions of law, including, specifically, the criminal penalties provided for violations pursuant to Section 11‑1‑40.”

SECTION 2. This act takes effect upon approval by the Governor.

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