~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 23, 2011

**H. 3625**

Introduced by Reps. J.R. Smith, Hixon and Taylor

S. Printed 3/23/11--S.

Read the first time February 15, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3625) to amend Section 8‑13‑735, Code of Laws of South Carolina, 1976, relating to prohibition against a person, who at the same time serves on the governing body of a state, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking lines 29-36, in Section 8‑13‑735, as contained in SECTION 1, and inserting therein the following:

/ “Section 8-13-735. (A) ~~No~~ Except as provided in subsection (B), no person who serves at the same time ~~on~~:

(1) on the governing body of a state, county, municipal, or political subdivision board or commission, and

(2) as an employee of the same board or commission or ~~serves~~ in a position ~~which is~~ subject to the control of that board or commission may make or participate in making a decision ~~which~~ that affects his economic interests.

(B) No person shall serve at the same time as:

(1) a non-appointed member of the governing body of the board or commission for a water or sewer district or a nonprofit water or sewer corporation or company organized pursuant to the provisions of state law; and

(2)(a) an employee of the same board, commission, corporation, or company; or

(b) in a position subject to the control of that board, commission, corporation, or company; or

(c) in a decision-making position concerning the operation and functions of that board, commission, corporation, or company.

(C)(1) Any person violating the provisions of subsection (B) may be assessed a civil penalty of fifty dollars per day to be remitted to the general fund of the board, commission, corporation, or company.

(2) If a lawsuit is brought to force the person to vacate either his position held pursuant to subitem (B)(1) or subitem (B)(2), and the person is found in circuit court to have violated subsection (B), the person must pay the civil penalty in subitem (C)(1) plus court costs, attorney’s fees, and any damages required by the court.

(3) Any individual or entity served by the board, commission, corporation, or company has standing to bring a lawsuit in the circuit court pursuant to this subsection.” /

Renumber sections to conform.

Amend title to conform.

CREIGHTON B. COLEMAN for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

State Ethics Commission, The Senate and House of Representatives each indicate this bill will have no impact on the General Fund of the State or on federal and/or other funds.

*Approved By:*

Harry Bell

Office of State Budget

**A** **BILL**

TO AMEND SECTION 8‑13‑735, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROHIBITION AGAINST A PERSON, WHO AT THE SAME TIME SERVES ON THE GOVERNING BODY OF A STATE OR LOCAL POLITICAL SUBDIVISION BOARD OR COMMISSION AND AS AN EMPLOYEE OF THE SAME BOARD OR COMMISSION OR IN A POSITION WHICH IS SUBJECT TO THE CONTROL OF THE BOARD OR COMMISSION, MAKING OR PARTICIPATING IN A DECISION AFFECTING HIS ECONOMIC INTERESTS, SO AS TO PROHIBIT A PERSON FROM SERVING IN BOTH POSITIONS AT THE SAME TIME.

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

SECTION 1. Section 8‑13‑735 of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“Section 8‑13‑735. No person ~~who serves~~ shall serve at the same time on:

(1) the governing body of a state, county, municipal, or political subdivision board or commission~~,~~; and

(2) as an employee of the same board or commission or serves in a position which is subject to the control of that board or commission ~~may make or participate in making a decision which affects his economic interests~~.”

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

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