**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3165**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.R. Smith, Burns, Chumley, Loftis, Stringer and B. Newton

Document Path: l:\council\bills\ggs\22917zw17.docx

Introduced in the House on January 10, 2017

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

Summary: Governing boards

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Judiciary**

1/10/2017 House Introduced and read first time ([House Journal‑page 99](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 99](file:///h:\hj\20170110.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3165&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3165_20161215.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑1‑260 SO AS TO PROVIDE THAT A GOVERNMENT AGENCY, BODY, COMMISSION, COMMITTEE, OR COUNCIL WHOSE GOVERNING BOARD IS APPOINTED BY A LEGISLATIVE DELEGATION OF THIS STATE MAY NOT ASSIGN, CONVEY, DEVOLVE, ENTRUST OR TRANSFER TO ANOTHER BOARD OR ENTITY THE BOARD’S GOVERNANCE AUTHORITY, DUTIES, FUNCTIONS, RESPONSIBILITIES, OR OPERATIONAL OVERSIGHT WITHOUT A PRIOR AFFIRMATIVE ACT OF THE GENERAL ASSEMBLY, AND TO PROVIDE PENALTIES.

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

SECTION 1. Chapter 1, Title 2 of the 1976 Code is amended by adding:

“Section 2‑1‑260. (A) Notwithstanding another provision of law, a government agency, body, commission, committee, or council whose governing board is appointed by a legislative delegation of this State may not assign, convey, devolve, entrust, or transfer to another board or entity the board’s governance authority, duties, functions, responsibilities, or operational oversight without a prior affirmative act of the General Assembly.

(B) A member of a governing board described in subsection (A) who casts an affirmative vote:

(1) to assign, convey, devolve, entrust, or transfer to another board or entity the board’s governance authority, duties, functions, responsibilities, or operational oversight without a prior affirmative act of the General Assembly; or

(2) to approve or ratify the assignment, conveyance, devolution, entrustment or transfer to another board or entity the board’s governance authority, duties, functions, responsibilities, or operational oversight without a prior affirmative act of the General Assembly, is guilty of a misdemeanor and, upon conviction, must be punished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. In addition to a fine or imprisonment, or both, a person who is convicted of violating the provisions of this section:

(a) must be dismissed from office, with the resulting vacancy filled in the manner of the original appointment; and

(b) is permanently disqualified from holding public office in this State.”

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

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