**South Carolina General Assembly**

119th Session, 2011-2012

**A11, R29, H3625**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.R. Smith, Hixon and Taylor

Document Path: l:\council\bills\dka\3329sd11.docx

Introduced in the House on February 8, 2011

Introduced in the Senate on February 15, 2011

Last Amended on March 29, 2011

Passed by the General Assembly on March 31, 2011

Governor's Action: April 7, 2011, Signed

Summary: Person prohibited from serving on a governing body of a state or local political subdivision board or commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/8/2011 House Introduced and read first time ([House Journal‑page 53](file:///h:\hj%20archive\2011\02-08-11.docx))

2/8/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 53](file:///h:\hj%20archive\2011\02-08-11.docx))

2/8/2011 House Recalled from Committee on **Judiciary** ([House Journal‑page 78](file:///h:\hj%20archive\2011\02-08-11.docx))

2/9/2011 House Read second time ([House Journal‑page 23](file:///h:\hj%20archive\2011\02-09-11.docx))

2/10/2011 House Read third time and sent to Senate ([House Journal‑page 15](file:///h:\hj%20archive\2011\02-10-11.docx))

2/15/2011 Senate Introduced and read first time ([Senate Journal‑page 13](file:///h:\sj%20archive\2011\02-15-11.docx))

2/15/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 13](file:///h:\sj%20archive\2011\02-15-11.docx))

2/25/2011 Senate Referred to Subcommittee: Coleman (ch), Campsen, Rose

3/23/2011 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 5](file:///h:\sj%20archive\2011\03-23-11.docx))

3/29/2011 Senate Committee Amendment Adopted ([Senate Journal‑page 12](file:///h:\sj%20archive\2011\03-29-11.docx))

3/29/2011 Senate Read second time ([Senate Journal‑page 12](file:///h:\sj%20archive\2011\03-29-11.docx))

3/29/2011 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 12](file:///h:\sj%20archive\2011\03-29-11.docx))

3/30/2011 Senate Read third time and returned to House with amendments ([Senate Journal‑page 33](file:///h:\sj%20archive\2011\03-30-11.docx))

3/31/2011 House Concurred in Senate amendment and enrolled ([House Journal‑page 20](file:///h:\hj%20archive\2011\03-31-11.docx))

3/31/2011 House Roll call Yeas‑102 Nays‑0 ([House Journal‑page 20](file:///h:\hj%20archive\2011\03-31-11.docx))

4/6/2011 Ratified R 29

4/7/2011 Signed By Governor

4/14/2011 Effective date 04/07/11

4/15/2011 Act No. 11

**VERSIONS OF THIS BILL**

[2/8/2011](file:///p:\pprever\2011-12\3625_20110208.docx)

[2/8/2011-A](file:///p:\pprever\2011-12\3625_20110208A.docx)

[3/23/2011](file:///p:\pprever\2011-12\3625_20110323.docx)

[3/29/2011](file:///p:\pprever\2011-12\3625_20110329.docx)

(A11, R29, H3625)

**AN ACT TO AMEND SECTION 8‑13‑735, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE 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 AT THE SAME TIME AS A NONAPPOINTED MEMBER OF THE GOVERNING BOARD OR COMMISSION OF A WATER OR SEWER DISTRICT, A NONPROFIT WATER OR SEWER CORPORATION, OR A WATER OR SEWER COMPANY ORGANIZED UNDER STATE LAW AND AS AN EMPLOYEE OF THAT BOARD, COMMISSION, CORPORATION, OR COMPANY OR IN CERTAIN OTHER POSITIONS, TO PROVIDE CIVIL PENALTIES FOR VIOLATION, AND TO PROVIDE FOR STANDING TO ALLEGE VIOLATIONS AND FOR THE RESPONSIBILITY FOR COURT COSTS, ATTORNEY’S FEES, AND DAMAGES UPON VIOLATIONS.**

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

**Prohibition expanded, penalty for violations**

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. (A) Except as provided in subsection (B), no person who serves at the same time:

(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 in a position subject to the control of that board or commission may make or participate in making a decision that affects his economic interests.

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

(1) a nonappointed 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 subsection (B)(1) or subsection (B)(2), and the person is found in circuit court to have violated subsection (B), the person must pay the civil penalty in subsection (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.”

**Time effective**

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

Ratified the 6th day of April, 2011.

Approved the 7th day of April, 2011.

\_\_\_\_\_\_\_\_\_\_