COMMITTEE REPORT

May 3, 2017

**H. 3231**

Introduced by Reps. Tallon, Cole and Mitchell

S. Printed 5/3/17--S.

Read the first time March 2, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3231) to provide that consistent with certain provisions of Section 34, Article III of the Constitution of South Carolina, 1865, creating a Civil Service Commission of the City of Spartanburg for, etc., respectfully

**REPORT:**

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

BRAD HUTTO for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Local Expenditure**

Currently, there are four Acts, Act 612 of 1936, Act 345 of 1965, Act 991 of 1966, and Act 618 of 1992, which establish the terms and procedures of the City of Spartanburg’s Civil Service Commission. This bill repeals and replaces these by providing that the governing body of the City of Spartanburg establish the terms, conditions, memberships, and procedures for the commission by ordinance.

The bill authorizes but does not require the ordinance apply §5-19-110 et seq., relating to the establishment and procedures of civil service commissions for municipalities of certain populations, to the City of Spartanburg. Alternatively, the city may choose whatever terms, conditions, memberships, and procedures for the commission that it deems appropriate. The potential local expenditure impact to the City of Spartanburg is undetermined as the change in cost for the operations of the commission is dependent on the terms, conditions, memberships, and procedures the City of Spartanburg chooses to enact by ordinance.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO PROVIDE THAT CONSISTENT WITH CERTAIN PROVISIONS OF SECTION 34, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1865, CREATING A CIVIL SERVICE COMMISSION OF THE CITY OF SPARTANBURG FOR ITS POLICE AND FIRE DEPARTMENTS UNDER SUCH TERMS AND CONDITIONS AS THE GENERAL ASSEMBLY SHALL PROVIDE, THE GOVERNING BODY OF THE CITY OF SPARTANBURG BY ORDINANCE SHALL ESTABLISH THE TERMS, CONDITIONS, MEMBERSHIP, AND PROCEDURES OF THE CITY OF SPARTANBURG’S CIVIL SERVICE COMMISSION FOR THE BENEFIT OF THE POLICE AND FIRE DEPARTMENTS, AND TO REPEAL ACT 612 OF 1936 RELATING TO CIVIL SERVICE COMMISSIONS FOR MUNICIPALITIES OF A CERTAIN POPULATION THE SIZE OF THE CITY OF SPARTANBURG, AND ACT 345 OF 1965, ACT 991 OF 1966, AND ACT 618 OF 1992 RELATING TO A CIVIL SERVICE COMMISSION OF THE CITY OF SPARTANBURG FOR THE POLICE AND FIRE DEPARTMENTS.

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

SECTION 1. (A) The General Assembly finds that:

(1) The penultimate paragraph of Section 34, Article III of the Constitution of this State provides as follows:

“Provided, there is hereby created a civil service commission in the City of Spartanburg for the benefit of the police department, including its chief, and fire department, including its chief, under such terms and conditions as prescribed by the General Assembly.”

(2) Act 612 of 1936, Act 345 of 1965, Act 991 of 1966, and Act 618 of 1992 providing for a civil service commission for police and fire departments of the City of Spartanburg based on this constitutional provision, were enacted a number of years ago and now may be problematic in their constitutionality and application in several particulars, one of which is that they conflict with the city‑manager form of government authorized for municipalities in the home rule constitutional and statutory provisions.

(B) For the above reasons and to comply with the provisions of the penultimate paragraph of Section 34, Article III, the General Assembly has determined to enact the provisions of this act and to repeal Act 612 of 1936, Act 345 of 1965, Act 991 of 1966, and Act 618 of 1992.

SECTION 2. Pursuant to the provisions of the penultimate paragraph of Section 34, Article III of the Constitution of this State, the terms, conditions, membership, and procedures of the civil service commission of the City of Spartanburg, for the benefit of the police and fire departments, shall be as provided by ordinance of the governing body of the City of Spartanburg. The governing body of the City of Spartanburg in the ordinance may, but is not required to, provide that provisions in Chapter 19, Title 5 of the 1976 Code, relating to the establishment and procedures of civil service commissions for municipalities of certain populations, also apply to the City of Spartanburg, regardless of its population.

SECTION 3. Act 612 of 1936, Act 345 of 1965, Act 991 of 1966, and Act 618 of 1992 are repealed.

SECTION 4. This act takes effect upon approval by the Governor.

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