**South Carolina General Assembly**

122nd Session, 2017-2018

**A105, R98, H3231**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Tallon, Cole and Mitchell

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Introduced in the House on January 10, 2017

Introduced in the Senate on March 2, 2017

Passed by the General Assembly on May 10, 2017

Governor's Action: May 19, 2017, Signed

Summary: Civil service commission in the City of Spartanburg

**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 121](file:///h%3A%5Chj%5C20170110.docx))

 1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 121](file:///h%3A%5Chj%5C20170110.docx))

 2/14/2017 House Member(s) request name added as sponsor: Cole

 2/15/2017 House Member(s) request name added as sponsor: Mitchell

 2/21/2017 House Recalled from Committee on **Judiciary** ([House Journal‑page 44](file:///h%3A%5Chj%5C20170221.docx))

 2/21/2017 House Referred to **Spartanburg Delegation** ([House Journal‑page 44](file:///h%3A%5Chj%5C20170221.docx))

 2/28/2017 House Committee report: Favorable Spartanburg Delegation ([House Journal‑page 29](file:///h%3A%5Chj%5C20170228.docx))

 3/1/2017 House Read second time ([House Journal‑page 8](file:///h%3A%5Chj%5C20170301.docx))

 3/1/2017 House Roll call Yeas‑91 Nays‑0 ([House Journal‑page 9](file:///h%3A%5Chj%5C20170301.docx))

 3/2/2017 House Read third time and sent to Senate ([House Journal‑page 14](file:///h%3A%5Chj%5C20170302.docx))

 3/2/2017 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h%3A%5Csj%5C20170302.docx))

 3/2/2017 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 8](file:///h%3A%5Csj%5C20170302.docx))

 4/21/2017 Senate Referred to Subcommittee: Hutto (ch), Shealy, Timmons

 5/3/2017 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 13](file:///h%3A%5Csj%5C20170503.docx))

 5/9/2017 Senate Read second time ([Senate Journal‑page 48](file:///h%3A%5Csj%5C20170509.docx))

 5/9/2017 Senate Roll call Ayes‑39 Nays‑0 ([Senate Journal‑page 48](file:///h%3A%5Csj%5C20170509.docx))

 5/10/2017 Senate Read third time and enrolled ([Senate Journal‑page 28](file:///h%3A%5Csj%5C20170510.docx))

 5/15/2017 Ratified R 98

 5/19/2017 Signed By Governor

 5/25/2017 Effective date 5/19/17

 7/12/2017 Act No. 105

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3231&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/15/2016](file:///p%3A%5Cpprever%5C2017-18%5C3231_20161215.docx)

[2/28/2017](file:///p%3A%5Cpprever%5C2017-18%5C3231_20170228.docx)

[3/1/2017](file:///p%3A%5Cpprever%5C2017-18%5C3231_20170301.docx)

[5/3/2017](file:///p%3A%5Cpprever%5C2017-18%5C3231_20170503.docx)

(A105, R98, H3231)

**AN ACT TO PROVIDE THAT CONSISTENT WITH CERTAIN PROVISIONS OF SECTION 34, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, 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:

**Findings**

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.

**City of Spartanburg Civil Service Commission**

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.

**Acts repealed**

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

**Time effective**

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

Ratified the 15th day of May, 2017.

Approved the 19th day of May, 2017.

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