COMMITTEE REPORT

January 15, 2020

**H. 4076**

Introduced by Reps. Tallon, Hixon, Johnson, W. Newton and R. Williams

S. Printed 1/15/20--H.

Read the first time February 26, 2019.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 4076) to amend the Code of Laws of South Carolina, 1976, by adding Section 1‑30‑135 so as to provide that an agency or instrumentality in the executive branch, 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, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1‑30‑135. (A) An agency or instrumentality in the executive branch of state government or a public institution of higher learning with a governing board or commission shall provide incumbent members of the board and new members of the board with a written document outlining the agency’s, instrumentality’s, or institution’s statutory duties and powers and, in particular, the governing board or commission’s statutory duties and powers, which incumbent board members must sign within ninety days after the effective date of this section and which new board members must review and sign within ninety days after taking office. These signed documents must then be posted on the entity’s website. Nothing in this section prohibits an entity internally from providing members of its governing board with further information in writing which the entity determines will assist its board members in executing the duties of their office.

(B) If an incumbent or new member of a governing board or commission to which this section applies, fails to sign the documents required by this section for a period of at least thirty days after a written request to do so has been made by the head of the agency or entity, or by the president of the institution, the board or commission member may not receive any further mileage, subsistence, or per diem for service as a board or commission member until the documents are signed.

(C) Repeated refusal to sign the documents required by this section, after three written requests to do so are made in the manner provided by this section, constitutes grounds for removal from office by the Governor under Section 1-3-240 for persistent neglect of duty.”

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

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on February 26, 2019**

**State Expenditure**

This bill requires an executive branch agency or institution of higher learning with a governing board or commission to provide board members with a written document outlining the agency’s or institution’s statutory duties and powers. The document shall include the governing board’s or commission’s statutory duties. Incumbent board members must sign this document within 90 days of the effective date of this legislation and new board members must sign within 90 days after taking office. The signed document must be posted on the entity’s website.

Of the 23 executive branch agencies listed in Section 1-30-10, 6 have a governing board or commission. These departments are Disabilities and Special Needs, Education, Health and Environmental Control, Mental Health, Natural Resources, and Transportation. All institutions of higher learning have a governing board. Revenue and Fiscal Affairs anticipates that any expenditures associated with providing a document outlining statutory responsibilities and posting the signed documents on an entity’s website will be managed within existing appropriations and allocations. Therefore, this bill will have no expenditure impact on the general fund, other funds, or federal funds. If contradictory information is provided, we will update the fiscal impact statement.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑30‑135 SO AS TO PROVIDE THAT AN AGENCY OR INSTRUMENTALITY IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT OR A PUBLIC INSTITUTION OF HIGHER LEARNING WITH A GOVERNING BOARD OR COMMISSION SHALL PROVIDE INCUMBENT MEMBERS OF THE BOARD AND NEW MEMBERS OF THE BOARD WITH A WRITTEN DOCUMENT OUTLINING THE AGENCY’S, INSTRUMENTALITY’S, OR INSTITUTION’S STATUTORY DUTIES AND POWERS, WHICH INCUMBENT BOARD MEMBERS MUST SIGN WITHIN NINETY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION AND WHICH NEW BOARD MEMBERS MUST SIGN WITHIN NINETY DAYS AFTER TAKING OFFICE.

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

SECTION 1. Chapter 30, Title 1 of the 1976 Code is amended by adding:

“Section 1‑30‑135. An agency or instrumentality in the executive branch of state government or a public institution of higher learning with a governing board or commission shall provide incumbent members of the board and new members of the board with a written document outlining the agency’s, instrumentality’s, or institution’s statutory duties and powers and, in particular, the governing board or commission’s statutory duties and powers, which incumbent board members must sign within ninety days after the effective date of this section and which new board members must review and sign within ninety days after taking office. These signed documents must then be posted on the entity’s website. Nothing in this section prohibits an entity internally from providing members of its governing board with further information in writing which the entity determines will assist its board members in executing the duties of their office.”

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

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