AMENDED

January 21, 2020

**H. 4076**

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

S. Printed 1/21/20--H.

Read the first time February 26, 2019.

**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.

Amend Title To Conform

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. (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.

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