

South Carolina General Assembly
117th Session, 2007-2008

A10, R12, H3226

STATUS INFORMATION

General Bill

Sponsors: Reps. Clemmons, Mulvaney, Moss, Bedingfield and Lowe

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Companion/Similar bill(s): 69

Introduced in the House on January 11, 2007

Introduced in the Senate on January 31, 2007

Last Amended on March 7, 2007

Passed by the General Assembly on March 20, 2007

Governor's Action: March 28, 2007, Vetoed

Legislative veto action(s): Veto overridden

Summary: Conflicts of interest

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
1/11/2007	House	Introduced and read first time HJ-276
1/11/2007	House	Referred to Committee on Judiciary HJ-276
1/24/2007	House	Member(s) request name added as sponsor: Mulvaney
1/24/2007	House	Committee report: Favorable with amendment Judiciary HJ-4
1/25/2007	House	Member(s) request name added as sponsor: Moss, Bedingfield, Lowe
1/25/2007	House	Amended HJ-25
1/25/2007	House	Read second time HJ-26
1/30/2007	House	Read third time and sent to Senate HJ-23
1/31/2007	Senate	Introduced and read first time SJ-22
1/31/2007	Senate	Referred to Committee on Judiciary SJ-22
2/13/2007	Senate	Recalled from Committee on Judiciary SJ-23
3/7/2007	Senate	Amended SJ-28
3/7/2007	Senate	Read second time SJ-28
3/7/2007	Senate	Unanimous consent for third reading on next legislative day SJ-28
3/8/2007	Senate	Read third time and returned to House with amendments SJ-10
3/20/2007	House	Concurred in Senate amendment and enrolled HJ-27
3/22/2007		Ratified R 12
3/28/2007		Vetoed by Governor
4/11/2007	House	Veto overridden by originating body Yeas-102 Nays-0 HJ-25
4/12/2007	Senate	Veto overridden Yeas-37 Nays-0 SJ-6
4/16/2007		Copies available
4/16/2007		Effective date 04/12/07
5/7/2007		Act No. 10

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VERSIONS OF THIS BILL

[1/11/2007](#)

[1/24/2007](#)

[1/25/2007](#)

[2/13/2007](#)

[3/7/2007](#)

(A10, R12, H3226)

AN ACT TO AMEND SECTION 8-13-740, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REPRESENTATION OF A PERSON BY A PUBLIC OFFICIAL BEFORE A GOVERNMENTAL BODY, SO AS TO REQUIRE A STATE, COUNTY, AND MUNICIPAL PUBLIC OFFICIAL INVOLVED IN A CONFLICT OF INTEREST TO COMPLY WITH RECUSAL REQUIREMENTS, TO ALLOW A PUBLIC OFFICIAL TO REMAIN IN OFFICE IF THE RECUSAL REQUIREMENTS ARE MET, TO PROHIBIT A GOVERNMENTAL BODY FROM REMOVING OR DISALLOWING A PERSON TO SERVE IN OFFICE OR EMPLOYMENT BASED ON RACE, COLOR, NATIONAL ORIGIN, RELIGION, SEX, DISABILITY, OR OCCUPATION, AND TO DELETE THE REQUIREMENT PROHIBITING AN INDIVIDUAL OR BUSINESS WITH WHOM A PUBLIC OFFICIAL IS ASSOCIATED FROM REPRESENTING A PERSON BEFORE A LOCAL GOVERNMENT ENTITY FOR WHICH THE PUBLIC OFFICIAL IS A MEMBER.

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

Ethics, prohibition against removing a public official in certain circumstances

SECTION 1. Section 8-13-740(A) of the 1976 Code, as last amended by Act 6 of 1995, is further amended by adding the following numbered subsections to read:

“(8) A state, county, or municipal public official, public member, or public employee, including a person serving on an agency, unit, or subunit of a governmental entity shall not be required to resign or otherwise vacate his seat or position due to a conflict of interest that arises under this section as long as notice of the possible conflict of interest is given and he complies with the recusal requirements of Section 8-13-700(B). A governmental entity includes, but is not limited to, a planning board or zoning commission.

(9) Notwithstanding another provision of law, a governmental entity shall not prohibit a state, county, or municipal public official, public member, or public employee, including a person serving on an agency, unit, or subunit of a governmental entity from service in office

or employment based solely on race, color, national origin, religion, sex, disability, or occupation.”

Representation of another by a county official

SECTION 2. Section 8-13-740(A)(4) of the 1976 Code, as last amended by Act 6 of 1995, is further amended to read:

“(4) A public official, public member, or public employee of a county may not knowingly represent a person before an agency, unit, or subunit of that county for which the public official, public member, or public employee has official responsibility except:

- (a) as required by law; or
- (b) before a court under the unified judicial system.”

Representation of another by a municipal official

SECTION 3. Section 8-13-740(A)(5) of the 1976 Code, as last amended by Act 6 of 1995, is further amended to read:

“(5) A public official, public member, or public employee of a municipality may not knowingly represent a person before any agency, unit, or subunit of that municipality for which the public official, public member, or public employee has official responsibility except as required by law.”

Time effective

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

Ratified the 22nd day of March, 2007.

Vetoed by the Governor -- 3/28/07.

Veto overridden by House -- 4/11/07.

Veto overridden by Senate -- 4/12/07.