

NO. 12

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2015

WEDNESDAY, JANUARY 28, 2015
(STATEWIDE SESSION)

Wednesday, January 28, 2015
(Statewide Session)

~~Indicates Matter Stricken~~

Indicates New Matter

The House assembled at 2:00 p.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalm 27:5: "For He will hide me in His shelter in the day of trouble;"

Let us pray. Almighty God, protector and guide, hear us as we call on You for guidance during these days of Session. Protect these Representatives and hide them from all trouble which may come upon them. Give them strength of purpose as they ponder the many things asked of them. Grant them Your blessings as they do the people's business. Bless our Nation, President, State, Governor, Speaker, staff, and all who labor in these Halls of Government. Protect our keepers of freedom, at home and abroad, as they protect us. Heal the wounds, those seen and those hidden, of those who have sacrificed for us. Lord, in Your mercy, hear our prayer. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. G. R. SMITH moved that when the House adjourns, it adjourn in memory of Mr. Don Lowe father of Representative Phillip Lowe, which was agreed to.

SILENT PRAYER

The House stood in silent prayer for Mr. Don Lowe, father of Representative Phillip Lowe.

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REGULATIONS RECEIVED

The following were received and referred to the appropriate committee for consideration:

Document No. 4477

Agency: State Board of Education

Statutory Authority: 1976 Code Sections 59-5-60, 59-18-110, 59-18-310(B), 59-29-10 et seq., 59-33-30, 59-53-1810, 20 U.S.C. 1232(g), and 20 U.S.C. 6301 et seq.

Defined Program, Grades 9-12 and Graduation Requirements

Received by Speaker of the House of Representatives

January 27, 2015

Referred to Education and Public Works Committee

Legislative Review Expiration May 27, 2015

Document No. 4476

Agency: State Board of Education

Statutory Authority: 1976 Code Sections 59-5-60, 59-33-30, 59-53-1810, and

20 U.S.C. 6301 et seq.

Defined Program 6-8

Received by Speaker of the House of Representatives

January 27, 2015

Referred to Education and Public Works Committee

Legislative Review Expiration May 27, 2015

Document No. 4491

Agency: State Board of Education

Statutory Authority: 1976 Code Sections 59-5-60(1), (3), and (6), 59-39-100, and 20 U.S.C. 6301 et seq.

Adult Education

Received by Speaker of the House of Representatives

January 28, 2015

Referred to Education and Public Works Committee

Legislative Review Expiration May 28, 2015

Document No. 4495

Agency: State Board of Education

Statutory Authority: 1976 Code Sections 59-5-60, 59-24-30, and 59-24-40

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Program for Assisting, Developing, and Evaluating Principal
Performance (PADEPP)

Received by Speaker of the House of Representatives

January 28, 2015

Referred to Education and Public Works Committee

Legislative Review Expiration May 28, 2015

REPORTS OF STANDING COMMITTEES

Rep. BALES, from the Committee on Invitations and Memorial
Resolutions, submitted a favorable report on:

H. 3388 -- Reps. Clemmons, H. A. Crawford, Hardwick, Johnson,
Duckworth, Goldfinch and Hardee: A CONCURRENT RESOLUTION
TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION
NAME THE INTERCHANGE LOCATED AT THE INTERSECTION
OF UNITED STATES HIGHWAY 17 AND FARROW PARKWAY IN
HORRY COUNTY "BELLAMY INTERCHANGE" AND ERECT
APPROPRIATE MARKERS OR SIGNS AT THIS LOCATION THAT
CONTAIN THIS DESIGNATION.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a
favorable report on:

H. 3193 -- Reps. Cole, Finlay, Newton, Pope, Anderson, Bales,
G. A. Brown, R. L. Brown, Felder, Funderburk, Hart, Knight, Lucas,
Murphy, Norman, Norrell, Putnam, Rivers, Southard, Spires, Tallon,
Taylor, Wells, Williams, Willis, Long, Henderson, G. M. Smith,
G. R. Smith, McCoy, Clary and J. E. Smith: A BILL TO AMEND
SECTION 8-13-1320, CODE OF LAWS OF SOUTH CAROLINA,
1976, RELATING TO THE ATTRIBUTION OF CAMPAIGN
CONTRIBUTIONS TO SPECIFIC TYPES OF ELECTIONS, SO AS
TO REVISE THE MANNER IN WHICH CAMPAIGN
CONTRIBUTIONS ARE ATTRIBUTED TO A PRIMARY
ELECTION AND TO A PRIMARY ELECTION RUNOFF.

Ordered for consideration tomorrow.

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Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

H. 3197 -- Reps. Finlay, Cole, Anderson, Bales, G. A. Brown, R. L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Pope, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Bernstein, Long, Henderson, G. M. Smith, G. R. Smith, McCoy, Clary, M. S. McLeod, J. E. Smith and W. J. McLeod: A BILL TO AMEND SECTION 8-13-1308, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONTENTS OF CERTIFIED CAMPAIGN REPORTS OF CANDIDATES AND COMMITTEES, SO AS TO REQUIRE A CAMPAIGN REPORT TO BE FILED SEVENTY-TWO HOURS BEFORE AN ELECTION SHOWING CONTRIBUTIONS OF MORE THAN ONE HUNDRED DOLLARS AND EXPENDITURES TO OR BY THE CANDIDATE OR COMMITTEE FOR THE PERIOD COMMENCING AT LEAST TWENTY DAYS BEFORE THE ELECTION AND ENDING SEVENTY-TWO HOURS BEFORE THE ELECTION.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

H. 3200 -- Reps. Cole, Finlay, Newton, Pope, Anderson, Bales, G. A. Brown, R. L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Norman, Norrell, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Henderson, G. M. Smith, G. R. Smith, McCoy, Clary and J. E. Smith: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-13-756 SO AS TO PROVIDE THAT CERTAIN PROVISIONS PERTAINING TO USE OF OFFICIAL POSITION OR OFFICE FOR FINANCIAL GAIN, REPORTING OF PARTICULAR GIFTS, RESTRICTIONS ON FUTURE EMPLOYMENT AND RELATED PROVISIONS, DO NOT APPLY TO A PUBLIC EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO PARTICIPATES IN THE DEVELOPMENT OF INTELLECTUAL PROPERTY THAT BENEFITS THE INSTITUTION AND THE STATE OF SOUTH CAROLINA, IF THE

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INSTITUTION OF HIGHER EDUCATION RETAINS SOME ROYALTY RIGHTS TO THE INTELLECTUAL PROPERTY.

Ordered for consideration tomorrow.

Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

H. 3041 -- Reps. Delleney, Allison, Atwater, Ballentine, Bannister, Bedingfield, Bingham, Bradley, Brannon, Burns, Clary, Clemmons, Collins, H. A. Crawford, Daning, Duckworth, Erickson, Forrester, Goldfinch, Hamilton, Hardee, Hardwick, Henderson, Herbkersman, Hicks, Hill, Hiott, Hixon, Horne, Huggins, Kennedy, Limehouse, Loftis, Long, Lowe, Lucas, McCoy, Merrill, D. C. Moss, V. S. Moss, Murphy, Nanney, Newton, Pitts, Pope, Putnam, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, Sottile, Spires, Stringer, Tallon, Taylor, Thayer, Wells, White, Whitmire, Willis, Yow, McKnight and J. E. Smith: A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT THE SUPERINTENDENT OF EDUCATION MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM COTERMINOUS WITH THE GOVERNOR UPON THE EXPIRATION OF THE TERM OF THE SUPERINTENDENT OF EDUCATION SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, AND TO PROVIDE THAT THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE SUPERINTENDENT OF EDUCATION MAY BE REMOVED FROM OFFICE.

Ordered for consideration tomorrow.

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Rep. DELLENEY, from the Committee on Judiciary, submitted a favorable report on:

H. 3114 -- Reps. Nanney, Hicks, Allison, Atwater, Ballentine, Bannister, Bingham, Brannon, Burns, Chumley, Clary, Corley, H. A. Crawford, Crosby, Daning, Delleney, Erickson, Forrester, Gagnon, Goldfinch, Hamilton, Henderson, Herbkersman, Hiott, Huggins, Kennedy, Limehouse, Loftis, Long, McCoy, Merrill, D. C. Moss, Newton, Pitts, Pope, Quinn, Ryhal, Sandifer, G. M. Smith, G. R. Smith, Stringer, Tallon, Taylor, Thayer, Yow, Wells, Willis, Hixon, Putnam and Rivers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 41, TITLE 44 SO AS TO ENACT THE "SOUTH CAROLINA PAIN-CAPABLE UNBORN CHILD PROTECTION ACT", TO PROVIDE FINDINGS OF THE GENERAL ASSEMBLY, TO DEFINE NECESSARY TERMS, TO REQUIRE A PHYSICIAN TO CALCULATE THE PROBABLE POST-FERTILIZATION AGE OF AN UNBORN CHILD BEFORE PERFORMING OR INDUCING AN ABORTION, TO PROVIDE THAT AN ABORTION MAY NOT BE PERFORMED IF THE PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD IS TWENTY OR MORE WEEKS, TO PROVIDE FOR EXCEPTIONS, TO REQUIRE CERTAIN REPORTING BY PHYSICIANS WHO PERFORM ABORTIONS TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO REQUIRE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL TO PREPARE PUBLIC REPORTS THAT PROVIDE DATA ON ABORTIONS PERFORMED IN THE STATE AND TO PROMULGATE REGULATIONS, TO PROVIDE FOR A CIVIL RIGHT OF ACTION FOR CERTAIN INDIVIDUALS AGAINST A PHYSICIAN PERFORMING AN ABORTION IN VIOLATION OF THE ACT AND FOR INJUNCTIVE RELIEF, TO CREATE CRIMINAL PENALTIES, AND TO PROVIDE THE ACT DOES NOT IMPLICITLY OR OTHERWISE REPEAL ANOTHER PROVISION OF LAW.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 3434 -- Reps. Cobb-Hunter, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield,

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Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND HER EXCELLENCY LIBERATA MULAMULA, AMBASSADOR OF THE EMBASSY OF THE UNITED REPUBLIC OF TANZANIA, FOR HER MANY YEARS OF DEDICATED SERVICE AND TO EXTEND TO HER A CORDIAL WELCOME TO THE PALMETTO STATE.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3455 -- Reps. Gilliard, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal,

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Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO COMMEND THE TAYLORMADE PRAISE DANCERS FOR THEIR ARTISTIC EXCELLENCE AND TO THANK THEM FOR THEIR MINISTRY OF COMFORT AND ENCOURAGEMENT TO MANY.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3456 -- Reps. Hart, Alexander, Allison, Anderson, Anthony, Atwater, Bales, Ballentine, Bamberg, Bannister, Bedingfield, Bernstein, Bingham, Bowers, Bradley, Brannon, G. A. Brown, R. L. Brown, Burns, Chumley, Clary, Clemmons, Clyburn, Cobb-Hunter, Cole, Collins, Corley, H. A. Crawford, Crosby, Daning, Delleney, Dillard, Douglas, Duckworth, Erickson, Felder, Finlay, Forrester, Funderburk, Gagnon, Gambrell, George, Gilliard, Goldfinch, Govan, Hamilton, Hardee, Hardwick, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hill, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Johnson, Kennedy, King, Kirby, Knight, Limehouse, Loftis, Long, Lowe, Lucas, Mack, McCoy, McEachern, McKnight, M. S. McLeod, W. J. McLeod, Merrill, Mitchell, D. C. Moss, V. S. Moss, Murphy, Nanney, Neal, Newton, Norman, Norrell, Ott, Parks, Pitts, Pope, Putnam, Quinn, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Ryhal, Sandifer, Simrill, G. M. Smith, G. R. Smith, J. E. Smith, Sottile, Southard, Spires, Stavrinakis, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Whitmire, Williams, Willis and Yow: A HOUSE RESOLUTION TO RECOGNIZE AND HONOR TERRANCE HAYES UPON HIS INCLUSION AMONG THE 2014 MACARTHUR FELLOWS.

The Resolution was adopted.

CONCURRENT RESOLUTION

The following was introduced:

H. 3436 -- Reps. Pope, Delleney, Felder, King, Long, D. C. Moss, V. S. Moss, Norman and Simrill: A CONCURRENT RESOLUTION

[HJ]

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TO RECOGNIZE YORK COUNTY AS A VITAL PART OF THE PALMETTO STATE AND TO DECLARE FEBRUARY 24, 2015, "YORK COUNTY DAY" IN SOUTH CAROLINA.

The Concurrent Resolution was agreed to and ordered sent to the Senate.

INTRODUCTION OF BILLS

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

H. 3435 -- Reprs. Rivers, Jefferson, Gagnon, Hicks, W. J. McLeod and Merrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "B.P. ACT"; TO AMEND SECTION 59-63-140, RELATING TO BULLYING PROHIBITION POLICIES ADOPTED BY SCHOOL DISTRICTS, SO AS TO PROVIDE THAT WHEN SCHOOL OFFICIALS DETERMINE THAT A STUDENT HAS COMMITTED A PROHIBITED ACT, THE SCHOOL SHALL NOTIFY HIS PARENT, GUARDIAN, OR ANOTHER ADULT WHO CONSENTS TO HAVING RESPONSIBILITY FOR THE STUDENT WITHIN ONE BUSINESS DAY, AND SHALL THEN MEET WITH THE STUDENT AND HIS PARENT, GUARDIAN, OR ANOTHER ADULT WHO CONSENTS TO HAVING RESPONSIBILITY FOR THE STUDENT WITHIN THREE BUSINESS DAYS AFTER THIS NOTICE IS GIVEN; TO PROVIDE THE STUDENT MUST BE SUSPENDED FROM SCHOOL UNTIL HE AND HIS PARENT, GUARDIAN, OR ANOTHER ADULT WHO CONSENTS TO HAVING RESPONSIBILITY FOR THE STUDENT AGREES TO ATTEND COUNSELING OFFERED OR APPROVED BY THE DISTRICT; TO PROVIDE THE DISTRICT SHALL MAKE COUNSELORS, SCHOOL PSYCHOLOGISTS, OR OTHER APPROPRIATE PERSONNEL CURRENTLY EMPLOYED OR CONTRACTED BY THE DISTRICT AVAILABLE FOR THIS COUNSELING; TO PROVIDE THE DISTRICT SHALL INFORM THE STUDENT AND HIS PARENTS, GUARDIANS, AND OTHER ADULTS WHO CONSENT TO HAVING RESPONSIBILITY FOR THE STUDENT THAT THE REQUIREMENTS PROSCRIBED BY THE COUNSELOR MUST BE MET OR THE STUDENT WILL BE EXPELLED; AND TO PROVIDE THE DISTRICT SHALL INFORM ANOTHER SCHOOL IN WHICH THE STUDENTS SEEKS TO

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ENROLL OF THE STUDENT'S MISCONDUCT AND FAILURE TO COMPLY WITH RELATED COUNSELING REQUIREMENTS.

Referred to Committee on Education and Public Works

H. 3437 -- Reps. Toole, M. S. McLeod, King, Anderson, Bowers, R. L. Brown, Forrester, Govan, Henderson, Herbkersman, Hodges, Spires and Whipper: A BILL TO AMEND SECTION 1-11-710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE HEALTH PLAN, SO AS TO PROVIDE THAT AN ACTIVE OR RETIRED EMPLOYEE MAY REMOVE A DEPENDENT SPOUSE AT ANY TIME AFTER THE PARTIES DIVORCE; AND TO AMEND SECTION 9-1-1620, AS AMENDED, RELATING TO ALLOWANCES UNDER THE SOUTH CAROLINA RETIREMENT SYSTEM, SO AS TO PROVIDE A RETIRED MEMBER MAY ALTER THE FORM OF MONTHLY PAYMENTS AT ANY TIME AFTER A CHANGE IN MARITAL STATUS.

Referred to Committee on Ways and Means

H. 3438 -- Rep. Cobb-Hunter: A JOINT RESOLUTION TO IMPOSE A MANDATORY EMPLOYEE FURLOUGH PROGRAM AT SOUTH CAROLINA STATE UNIVERSITY OF UP TO FIVE OR FIFTEEN DAYS, DEPENDING ON ANNUAL SALARY, AND TO PROVIDE CERTAIN REQUIREMENTS FOR THE FURLOUGH PROGRAM.

Referred to Committee on Ways and Means

H. 3439 -- Reps. M. S. McLeod, McKnight, Henegan, Kirby, Gilliard, Mack, Bradley, Whipper, Anderson, Bamberg, G. A. Brown and R. L. Brown: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 7-7-12 SO AS TO PROVIDE A PROCEDURE ALLOWING A PHYSICALLY DISABLED PERSON OR A PERSON SIXTY-FIVE YEARS OF AGE OR OLDER WHO HAS BEEN REASSIGNED TO A POLLING PLACE DIFFERENT FROM THAT WHERE HE PREVIOUSLY VOTED TO VOTE AT A POLLING PLACE OF THE VOTER'S CHOOSING, PROVIDED THE CANDIDATES AND BALLOT PROPOSALS ARE THE SAME AS THOSE IN THE VOTING PRECINCT IN WHICH THE VOTER RESIDES; AND TO AMEND SECTION 7-7-10, AS AMENDED, RELATING TO VOTING PRECINCTS, SO AS TO REQUIRE A COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION TO SEND AT LEAST

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TWO WRITTEN NOTIFICATIONS TO A VOTER WHO HAS BEEN TRANSFERRED TO A NEW POLLING PLACE, AND TO REQUIRE A COUNTY BOARD OF ELECTIONS AND VOTER REGISTRATION TO POST NOTICE OF POLLING PLACE CHANGES AND REASSIGNMENTS ON LOCAL GOVERNMENTAL INTERNET WEBSITES AND SOCIAL MEDIA, AND IN TRADITIONAL PRINT OR BROADCAST MEDIA.

Referred to Committee on Judiciary

H. 3440 -- Reps. Crosby, Daning and George: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTIONS 56-3-115 AND 56-5-3715 SO AS TO PROVIDE THAT A MOPED MUST BE REGISTERED, CARRY LIABILITY INSURANCE, AND MAY NOT BE OPERATED ON A PUBLIC ROAD THAT HAS A SPEED LIMIT GREATER THAN THIRTY-FIVE MILES AN HOUR; TO AMEND SECTIONS 56-1-1720 AND 56-1-1730, RELATING TO THE OPERATION OF MOPEDS ALONG THE STATE'S HIGHWAYS, SO AS TO MAKE TECHNICAL CHANGES, AND TO PROVIDE THAT A PERSON WHOSE DRIVER'S LICENSE HAS BEEN SUSPENDED MAY NOT BE ISSUED A MOPED OPERATOR'S LICENSE OR ALLOWED TO OPERATE A MOPED DURING HIS PERIOD OF SUSPENSION.

Referred to Committee on Education and Public Works

H. 3441 -- Reps. Norman, Felder, Pope, Atwater, Erickson, Yow, V. S. Moss, Quinn, Loftis, Hamilton, Burns, Huggins, Chumley, G. R. Smith, Ballentine, Bedingfield, Corley, Hixon, D. C. Moss, Nanney, Pitts, Putnam, Simrill, Spires, Stringer, Toole and Wells: A BILL TO AMEND SECTION 56-5-2953, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE VIDEO RECORDING OF THE INCIDENT SITE AND THE BREATH TEST SITE OF A PERSON CHARGED WITH OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ANOTHER ILLEGAL SUBSTANCE, CHARGED WITH AN UNLAWFUL ALCOHOL CONCENTRATION, OR CHARGED WITH FELONY DRIVING UNDER THE INFLUENCE, SO AS TO REVISE THE CIRCUMSTANCES UPON WHICH A VIDEO RECORDING OF THESE PROCEEDINGS IS REQUIRED TO BE MADE, THE PROCEDURES THAT MUST BE FOLLOWED WHEN A VIDEO RECORDING IS MADE, AND THE CIRCUMSTANCES

[HJ]

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THAT EXEMPT AN OFFICER FROM MAKING A VIDEO RECORDING.

Referred to Committee on Judiciary

H. 3442 -- Reps. Ridgeway, Gagnon and Gambrell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 56-1-600 SO AS TO PROVIDE THAT THE DEPARTMENT OF MOTOR VEHICLES SHALL ESTABLISH A DATABASE OF THE NEXT OF KIN OF PERSONS WHO REGISTER A MOTOR VEHICLE, ARE ISSUED A PERMIT OR LICENSE TO OPERATE A MOTOR VEHICLE, OR AN IDENTIFICATION CARD, TO PROVIDE THE PROCEDURE FOR THE DEPARTMENT TO OBTAIN INFORMATION TO BE MAINTAINED IN THE DATABASE, TO PROVIDE WHO MAY ACCESS THE INFORMATION CONTAINED IN THE DATABASE, TO PROVIDE THAT THE DEPARTMENT MAY PROMULGATE REGULATIONS TO IMPLEMENT THE PROVISIONS CONTAINED IN THIS SECTION, AND TO LIMIT THE DEPARTMENT'S AND ANY LAW ENFORCEMENT AGENCY'S LIABILITY WHEN AN INDIVIDUAL'S NEXT OF KIN IS NOT CONTACTED WHEN THE INDIVIDUAL IS INVOLVED IN AN ACCIDENT OR AN EMERGENCY SITUATION.

Referred to Committee on Education and Public Works

H. 3443 -- Reps. Long, Erickson, Daning, Atwater, Bradley, Hixon, Newton, Ridgeway, Simrill and Spires: A BILL TO AMEND SECTION 40-37-290, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PURCHASING, POSSESSING, ADMINISTERING, SUPPLYING, AND PRESCRIBING OF CERTAIN PHARMACEUTICAL AGENTS BY OPTOMETRISTS AND THE PROHIBITION ON SCHEDULE I AND II CONTROLLED SUBSTANCES, SO AS TO CLARIFY THAT SCHEDULE II CONTROLLED SUBSTANCES THAT HAVE BEEN RECLASSIFIED FROM SCHEDULE III TO SCHEDULE II ON OR AFTER OCTOBER 6, 2014, MAY CONTINUE TO BE PURCHASED, POSSESSED, ADMINISTERED, SUPPLIED, AND PRESCRIBED BY AN OPTOMETRIST.

Referred to Committee on Medical, Military, Public and Municipal Affairs

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H. 3444 -- Reps. McKnight, M. S. McLeod, Bamberg, Collins, Bales, Hart and Henegan: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ENACTING THE "SOUTH CAROLINA UNIFORM FIDUCIARY ACCESS TO DIGITAL ASSETS ACT" BY ADDING PART 10 TO ARTICLE 2, CHAPTER 2, TITLE 62 SO AS TO ESTABLISH A FRAMEWORK FOR THE MANAGEMENT AND DISPOSITION OF DIGITAL ASSETS UPON DEATH OR INCAPACITATION; TO DEFINE TERMS; TO SET FORTH THE APPLICABILITY OF THE ACT TO FIDUCIARIES, AGENTS, PERSONAL REPRESENTATIVES, CONSERVATORS, GUARDIANS, AND TRUSTEES; TO PROVIDE THAT THE ACT DOES NOT APPLY TO A DIGITAL ASSET OF AN EMPLOYER THAT IS USED BY AN EMPLOYEE IN THE ORDINARY COURSE OF BUSINESS; TO ENUMERATE THE RIGHTS AND LIMITATIONS OF A PERSONAL REPRESENTATIVE OF A DECEDENT TO ACCESS THE ELECTRONIC COMMUNICATIONS OR DIGITAL ASSETS OF THE DECEDENT; TO PERMIT A COURT TO GRANT A CONSERVATOR OR GUARDIAN THE RIGHT TO ACCESS ELECTRONIC COMMUNICATIONS OF A PROTECTED PERSON AFTER A HEARING CONDUCTED PURSUANT TO APPLICABLE STATE LAW; TO ENUMERATE THE RIGHTS AND LIMITATIONS OF AN AGENT TO ACCESS A PRINCIPAL'S ELECTRONIC COMMUNICATIONS AND DIGITAL ASSETS; TO ENUMERATE THE RIGHTS AND LIMITATIONS OF A TRUSTEE, OR SUCCESSOR OF A TRUSTEE TO ACCESS THE ELECTRONIC COMMUNICATIONS AND DIGITAL ASSETS OF AN ACCOUNT HOLDER OR SUCCESSOR ACCOUNT HOLDER; TO PROVIDE THAT A FIDUCIARY WHO IS AN ACCOUNT HOLDER OR HAS THE RIGHT UNDER THIS ACT TO ACCESS AN ACCOUNT HOLDER'S DIGITAL ASSETS MAY DO SO, SUBJECT TO CERTAIN LIMITATIONS; TO PROVIDE THAT AN ACCOUNT HOLDER MAY LIMIT A FIDUCIARY'S ACCESS TO ANY DIGITAL ASSET BY AFFIRMATIVE ACT, SEPARATE FROM HIS OR HER ASSENT TO OTHER PROVISIONS, IN A TERMS-OF-SERVICE AGREEMENT; TO SPECIFY WHEN A PROVISION IN A TERMS-OF-SERVICE AGREEMENT IS VOID AS AGAINST THE PUBLIC POLICY OF SOUTH CAROLINA; TO PROVIDE THAT A CHOICE-OF-LAW PROVISION IN AN AGREEMENT IS UNENFORCEABLE TO THE EXTENT THAT IT LIMITS A FIDUCIARY'S ACCESS TO A DIGITAL ASSET UNDER THIS ACT;

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TO ALLOW A FIDUCIARY WITH AUTHORITY OVER THE PROPERTY OF A DECEDENT, PROTECTED PERSON, PRINCIPAL, OR SETTLOR TO ACCESS TANGIBLE PROPERTY CONTAINING DIGITAL ASSETS; TO SPECIFY THE DOCUMENTS OR INSTRUMENTS THAT A FIDUCIARY MUST PROVIDE TO A CUSTODIAN IN ORDER TO ACCESS, CONTROL, OR COPY A DIGITAL ASSET; TO PROVIDE THAT A CUSTODIAN MUST COMPLY WITH A REQUEST MADE PURSUANT TO THIS SECTION WITHIN SIXTY DAYS OF RECEIPT OF THE REQUEST; TO REQUIRE THAT THE PROVISIONS OF THIS ACT BE APPLIED AND CONSTRUED SO AS TO PROMOTE UNIFORMITY OF LAW AMONG THE STATES; AND TO ESTABLISH CONFORMITY WITH FEDERAL REQUIREMENTS RELATED TO ELECTRONIC SIGNATURES AND RECORDS.

Referred to Committee on Judiciary

H. 3445 -- Rep. Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 28, TITLE 12 SO AS TO IMPOSE AN ADDITIONAL USER FEE EQUAL TO SEVEN CENTS A GALLON ON CERTAIN MOTOR FUELS, TO PROVIDE THAT THE REVENUE BE CREDITED TO THE STATE HIGHWAY FUND, AND TO TERMINATE THE ADDITIONAL USER FEE IF WHOLESALE PRICES EXCEED AVERAGES; AND BY ADDING ARTICLE 6 TO CHAPTER 11, TITLE 56 SO AS TO IMPOSE AN ADDITIONAL ROAD TAX IN THE SAME MANNER AS THE ADDITIONAL USER FEE.

Referred to Committee on Ways and Means

H. 3446 -- Rep. Crosby: A BILL TO AMEND SECTION 56-5-750, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE OFFENSE OF FAILURE TO STOP A MOTOR VEHICLE WHEN SIGNALLED TO STOP BY A LAW ENFORCEMENT VEHICLE, SO AS TO INCREASE CERTAIN PENALTIES ASSOCIATED WITH A VIOLATION OF THIS PROVISION.

Referred to Committee on Education and Public Works

H. 3447 -- Reps. Horne, Hicks, Robinson-Simpson, Erickson, Long, Allison, Cobb-Hunter, M. S. McLeod, Knight, Henegan, Bernstein, Funderburk and Dillard: A BILL TO AMEND SECTION 59-32-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO

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DEFINITIONS CONCERNING THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO DEFINE "MEDICALLY ACCURATE INFORMATION"; TO AMEND SECTION 59-32-20, AS AMENDED, RELATING TO THE REQUIREMENT THAT THE STATE BOARD OF EDUCATION PROVIDE COMPREHENSIVE HEALTH EDUCATION UNITS AND SEXUAL ABUSE AND ASSAULT AWARENESS UNITS TO LOCAL SCHOOL DISTRICTS AND SECTION 59-32-30, RELATING TO THE REQUIREMENT THAT LOCAL SCHOOL DISTRICTS IMPLEMENT COMPREHENSIVE HEALTH EDUCATION PROGRAMS, BOTH SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 59-32-60, RELATING TO THE REQUIREMENT THAT THE DEPARTMENT OF EDUCATION REPORT COMPLY WITH THE REQUIREMENTS OF THE ACT, SO AS TO REQUIRE EACH DISTRICT SHALL PUBLISH ON ITS WEBSITE HEALTH EDUCATION MATERIALS APPROVED, ADOPTED, AND USED IN DISTRICT CLASSROOMS, AND TO PROVIDE A PENALTY FOR NONCOMPLIANCE.

Referred to Committee on Education and Public Works

H. 3448 -- Rep. Hardee: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "AIR AMBULANCE AFFORDABILITY ACT"; BY ADDING SECTION 44-61-55 SO AS TO PROVIDE THAT NO AIRCRAFT MAY BE OPERATED AS AN AIR AMBULANCE WITHOUT A PERMIT ISSUED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL, TO PROVIDE REQUIREMENTS FOR THIS PERMIT, AND TO PROVIDE FOR THE DURATION OF THE PERMIT ABSENT REVOCATION OR SUSPENSION; TO AMEND SECTION 44-61-20, AS AMENDED, RELATING TO DEFINITIONS CONCERNING EMERGENCY MEDICAL SERVICES, SO AS TO DEFINE THE TERM 'AIR AMBULANCE'; AND BY ADDING SECTION 38-71-285 SO AS TO PROVIDE THAT ALL INDIVIDUAL AND GROUP HEALTH INSURANCE POLICIES AND HEALTH MAINTENANCE ORGANIZATIONS SHALL PROVIDE COVERAGE FOR AIR AMBULANCE TRANSPORTATION TO A HOSPITAL OR MEDICAL FACILITY FOR EMERGENCY TREATMENT OR WHEN A PHYSICIAN CONSIDERS AIR TRANSPORTATION A MEDICAL NECESSITY, TO PROVIDE HOW THIS COVERAGE MUST PAY FOR AIR AMBULANCE TRANSPORTATION UNDER THESE POLICIES,

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TO PROVIDE THIS RATE REQUIREMENT IS RETROACTIVE FIVE YEARS FROM THE EFFECTIVE DATE, AND TO PROVIDE NECESSARY DEFINITIONS.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 3449 -- Rep. Bales: A BILL TO AMEND SECTION 50-13-675, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO NONGAME FISHING DEVICES AND GEAR THAT ARE PERMITTED TO BE USED IN CERTAIN BODIES OF FRESHWATER, SO AS TO PROVIDE THAT THE DEPARTMENT OF NATURAL RESOURCES MAY ISSUE RECREATIONAL LICENSES FOR THE USE OF HOOP NETS ALONG THE WATEREE RIVER.

Referred to Committee on Agriculture, Natural Resources and Environmental Affairs

H. 3450 -- Reps. Bannister, Tallon, Cobb-Hunter, D. C. Moss, Herbkersman, Murphy, Brannon, Bedingfield, Delleney, Finlay, Forrester, Gambrell, Goldfinch, Hamilton, Henderson, Hicks, Horne, McCoy, Pitts, Quinn, G. M. Smith and Spires: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61-4-360 SO AS TO PROHIBIT A BEER WHOLESALER FROM DELIVERING BEER TO A RETAIL BEER AND WINE PERMIT HOLDER UNLESS THE BEER HAS BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES, AND TO PROVIDE PENALTIES; BY ADDING SECTION 61-4-370 SO AS TO PROHIBIT A WINE WHOLESALER FROM DELIVERING WINE TO A RETAIL BEER AND WINE PERMIT HOLDER UNLESS THE WINE HAS BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES FOR A PERIOD OF NOT LESS THAN TWENTY-FOUR HOURS, AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 61-6-1325 SO AS TO PROHIBIT A LIQUOR WHOLESALER FROM DELIVERING ALCOHOLIC LIQUORS TO A RETAIL LIQUOR LICENSE HOLDER UNLESS THE ALCOHOLIC LIQUORS HAVE BEEN RECEIVED, UNLOADED, AND STORED OR WAREHOUSED AT ITS LICENSED PREMISES FOR A PERIOD OF NOT LESS THAN TWENTY-FOUR HOURS, AND TO PROVIDE PENALTIES.

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H. 3451 -- Rep. Hayes: A BILL TO AMEND SECTION 40-47-1250, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SUPERVISION OF AN ANESTHESIOLOGIST'S ASSISTANT, SO AS TO PROVIDE THAT AN ANESTHESIOLOGIST MAY NOT SUPERVISE MORE THAN FOUR RATHER THAN TWO ANESTHESIOLOGIST'S ASSISTANTS AT ANY ONE TIME.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 3452 -- Reps. Allison and Long: A BILL TO AMEND SECTION 38-71-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO COVERAGE THAT MAY BE WRITTEN BY A LICENSED ACCIDENT AND HEALTH INSURER, SO AS TO PROHIBIT THE INSURER FROM DIRECTLY PAYING MONEY TO AN INSURED FOR A HEALTH CARE SERVICE PROVIDED TO THE INSURED, AND TO PROVIDE EXCEPTIONS.

Referred to Committee on Labor, Commerce and Industry

H. 3453 -- Reps. Forrester, Allison, Hicks and Tallon: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-101-295 SO AS TO PROVIDE THAT A STUDENT ENROLLED AT A PUBLIC INSTITUTION OF HIGHER LEARNING AND A STUDENT ORGANIZATION OFFICIALLY RECOGNIZED BY A PUBLIC INSTITUTION OF HIGHER LEARNING MAY BE REPRESENTED BY AN ATTORNEY OR A NONATTORNEY ADVOCATE AT A DISCIPLINARY HEARING BEFORE THE INSTITUTION, TO PROVIDE AN EXCEPTION FOR STUDENTS FACING ALLEGATIONS PERTAINING TO ACADEMIC DISHONESTY AS DEFINED BY THE INSTITUTION, TO PROVIDE THAT THE STUDENT OR STUDENT ORGANIZATION SHALL BEAR THE EXPENSE OF USING AN ATTORNEY OR NONATTORNEY ADVOCATE, TO PROVIDE THAT AN ATTORNEY OR NONATTORNEY ADVOCATE MAY PARTICIPATE FULLY DURING THE DISCIPLINARY HEARING; TO PROVIDE AN APPEALS PROCESS, AND TO PROVIDE REMEDIES AND COMPENSATION FOR CERTAIN RELATED EXPENSES.

Referred to Committee on Education and Public Works

H. 3454 -- Rep. Hamilton: A BILL TO AMEND SECTION 12-65-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO

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TAX CREDITS ALLOWABLE FOR A PORTION OF THE EXPENSES INCURRED BY A TAXPAYER IN THE REHABILITATION, RENOVATION, OR REDEVELOPMENT OF A TEXTILE MILL SITE, SO AS TO MAKE THE INCOME TAX CREDITS ALLOWED TRANSFERABLE.

Referred to Committee on Ways and Means

H. 3457 -- Reps. Norrell, King, Knight, Ott, Erickson, Long, McKnight, Neal, Alexander, Bamberg, Hosey, Gilliard, Henegan, Kirby, M. S. McLeod, McCoy, Mack, Spires, Bradley, R. L. Brown, Dillard, Funderburk, Hamilton, Hill, Ridgeway, Rutherford, G. R. Smith and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 16-15-260 SO AS TO CREATE THE OFFENSE OF UNLAWFUL DISSEMINATION OF SEXUALLY EXPLICIT MATERIALS WITH INTENT TO CAUSE SUBSTANTIAL EMOTIONAL DISTRESS, AND TO PROVIDE A PENALTY.

Referred to Committee on Judiciary

H. 3458 -- Reps. Norrell, King, M. S. McLeod, Knight, Long, Erickson, McKnight, Douglas, Neal, Alexander, Hosey, Spires, McEachern, Henegan, Felder, Mack, Kirby, Bradley, R. L. Brown, Dillard, Funderburk, Hodges, Ridgeway, Toole and Whipper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 5 TO CHAPTER 25, TITLE 16 SO AS TO ENACT THE "TEEN DATING VIOLENCE PREVENTION ACT", TO DEFINE NECESSARY TERMS, CREATE THE OFFENSE OF TEEN DATING VIOLENCE, PROVIDE A PENALTY, ALLOW VICTIMS TO SEEK ORDERS OF PROTECTION OR RESTRAINING ORDERS UNDER CERTAIN CIRCUMSTANCES, AND PROHIBIT A PERSON WHO VIOLATES THE PROVISIONS OF THE SECTION FROM PARTICIPATING IN A PRETRIAL INTERVENTION PROGRAM; TO AMEND SECTION 59-32-10, RELATING TO DEFINITIONS FOR PURPOSES OF THE COMPREHENSIVE HEALTH EDUCATION ACT, SO AS TO DEFINE THE TERM "TEEN DATING VIOLENCE"; AND TO AMEND SECTIONS 59-32-20, AS AMENDED, 59-32-30, AS AMENDED, AND 59-32-50, ALL RELATING TO THE REQUIREMENTS OF THE COMPREHENSIVE HEALTH EDUCATION ACT, ALL SO AS TO REQUIRE THE INCLUSION OF TEEN DATING VIOLENCE EDUCATION IN THE

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COMPREHENSIVE HEALTH EDUCATION CURRICULUM AND
MAKE CONFORMING CHANGES.

Referred to Committee on Judiciary

S. 8 -- Senators L. Martin, Campsen, Hembree and Setzler: A BILL TO RATIFY AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, TO PROVIDE THAT UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION THE ADJUTANT GENERAL MUST BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF THE SENATE FOR A TERM NOT COTERMINOUS WITH THE GOVERNOR, MAY BE REMOVED ONLY FOR CAUSE, AND THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW FOR THE TERM, DUTIES, COMPENSATION, AND QUALIFICATIONS FOR OFFICE, THE PROCEDURES BY WHICH THE APPOINTMENT IS MADE, AND THE PROCEDURES BY WHICH THE ADJUTANT GENERAL MAY BE REMOVED FROM OFFICE; AND TO RATIFY AN AMENDMENT TO SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT GENERAL AND HIS STAFF OFFICERS, TO UPDATE REFERENCES TO HIS TITLE AND PROVIDE THAT THE ADJUTANT GENERAL'S MILITARY RANK IS MAJOR GENERAL AS OPPOSED TO BRIGADIER GENERAL, AND TO PROVIDE THAT UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, HE MUST BE APPOINTED BY THE GOVERNOR IN THE MANNER REQUIRED BY SECTION 7, ARTICLE VI.

Referred to Committee on Judiciary

S. 9 -- Senators Cleary, L. Martin, Campsen, Johnson and Alexander: A BILL TO RATIFY AN AMENDMENT TO SECTION 7, ARTICLE XVII OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE PROHIBITION ON LOTTERIES AND THE EXCEPTIONS TO THIS PROHIBITION, SO AS TO PROVIDE THAT THE GENERAL ASSEMBLY MAY AUTHORIZE RAFFLES TO BE OPERATED AND CONDUCTED BY RELIGIOUS, CHARITABLE, OR NONPROFIT ORGANIZATIONS FOR RELIGIOUS, CHARITABLE, OR ELEEMOSYNARY PURPOSES, AND BY

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GENERAL LAW MUST DEFINE THE TYPE OF ORGANIZATION AUTHORIZED TO CONDUCT RAFFLES, PROVIDE THE STANDARDS FOR THEIR CONDUCT AND MANAGEMENT, PROVIDE PENALTIES FOR VIOLATIONS, AND PROVIDE FOR ANY OTHER LAW NECESSARY TO ENSURE THE PROPER FUNCTIONING, HONESTY, INTEGRITY, AND CHARITABLE PURPOSES FOR WHICH THE RAFFLES ARE CONDUCTED.

Referred to Committee on Judiciary

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Alexander	Allison	Anderson
Anthony	Atwater	Bales
Ballentine	Bamberg	Bannister
Bedingfield	Bernstein	Bingham
Bowers	Bradley	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
Corley	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Forrester	Funderburk
Gagnon	George	Gilliard
Goldfinch	Hamilton	Hardee
Hardwick	Hayes	Henderson
Henegan	Herbkersman	Hicks
Hill	Hiott	Hixon
Hodges	Hosey	Howard
Huggins	Jefferson	Johnson
Kennedy	King	Kirby
Knight	Loftis	Long
Lucas	Mack	McEachern
McKnight	W. J. McLeod	Merrill
Mitchell	D. C. Moss	V. S. Moss
Murphy	Nanney	Newton
Ott	Parks	Pitts
Pope	Putnam	Quinn
Ridgeway	Riley	Rivers
Robinson-Simpson	Sandifer	Simrill

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G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Southard	Spires
Stavrinakis	Stringer	Tallon
Taylor	Thayer	Tinkler
Toole	Weeks	Wells
Whitmire	Willis	Yow

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Wednesday, January 28.

Douglas "Doug" Brannon	Kirkman Finlay
Peter McCoy, Jr.	M.S. McLeod
Joseph Neal	Todd Rutherford
Jackson "Seth" Whipper	Brian White
Chris Hart	

Total Present--114

STATEMENT OF ATTENDANCE

Rep. HART signed a statement with the Clerk that he came in after the roll call of the House and was present for the Session on Tuesday, January 27.

LEAVE OF ABSENCE

The SPEAKER granted Rep. LOWE a leave of absence for the day due to a death in the family.

LEAVE OF ABSENCE

The SPEAKER granted Rep. LIMEHOUSE a leave of absence for the day due to medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. GAMBRELL a leave of absence for the day due to a prior commitment.

LEAVE OF ABSENCE

The SPEAKER granted Rep. NORRELL a leave of absence for the day.

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LEAVE OF ABSENCE

The SPEAKER granted Rep. RYHAL a leave of absence for the day due to medical reasons.

LEAVE OF ABSENCE

The SPEAKER granted Rep. GOVAN a temporary leave of absence.

LEAVE OF ABSENCE

The SPEAKER granted Rep. WILLIAMS a temporary leave of absence to attend a funeral.

DOCTOR OF THE DAY

Announcement was made that Dr. John Evans of Greenville was the Doctor of the Day for the General Assembly.

CO-SPONSORS ADDED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

CO-SPONSORS ADDED

Bill Number: H. 3006
Date: ADD:
01/28/15 KENNEDY and RIVERS

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CO-SPONSORS ADDED

Bill Number: H. 3035
Date: ADD:
01/28/15 BURNS, CHUMLEY, KIRBY, HIXON, TOOLE,
CORLEY, GAGNON, DUCKWORTH, HARDEE,
JOHNSON, CLEMMONS, DOUGLAS,
BALLENTINE, TALLON, HODGES, HENEGAN
and HIOTT

CO-SPONSOR ADDED

Bill Number: H. 3078
Date: ADD:
01/28/15 JEFFERSON

CO-SPONSORS ADDED

Bill Number: H. 3114
Date: ADD:
01/28/15 RIVERS and PUTNAM

CO-SPONSOR ADDED

Bill Number: H. 3218
Date: ADD:
01/28/15 QUINN

CO-SPONSORS ADDED

Bill Number: H. 3265
Date: ADD:
01/28/15 KENNEDY, POPE, HIXON, GAGNON, ERICKSON,
LONG, NANNEY and HICKS

CO-SPONSOR ADDED

Bill Number: H. 3304
Date: ADD:
01/28/15 NANNEY

CO-SPONSOR ADDED

Bill Number: H. 3429
Date: ADD:
01/28/15 G. A. BROWN

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CO-SPONSOR ADDED

Bill Number: H. 3432
Date: ADD:
01/28/15 HICKS

CO-SPONSOR ADDED

Bill Number: H. 3433
Date: ADD:
01/28/15 FELDER

H. 3187--SENT TO THE SENATE

The following Bill was taken up:

H. 3187 -- Reps. Finlay, Cole, Anderson, Bales, G. A. Brown, R. L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Pope, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Henderson, G. M. Smith, G. R. Smith, McCoy, Clary, Weeks, W. J. McLeod and Stavrinakis: A BILL TO AMEND SECTION 8-13-1300, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS IN REGARD TO CAMPAIGN PRACTICES, SO AS TO REVISE CERTAIN DEFINITIONS.

The Bill was read the third time and ordered sent to the Senate.

H. 3188--SENT TO THE SENATE

The following Bill was taken up:

H. 3188 -- Reps. Finlay, Cole, Anderson, Bales, G. A. Brown, R. L. Brown, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Pope, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Long, Douglas, Henderson, G. M. Smith, G. R. Smith, McCoy, Clary, Weeks, W. J. McLeod, J. E. Smith, Whipper and Erickson: A BILL TO AMEND SECTION 8-13-1314, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CAMPAIGN CONTRIBUTION LIMITS AND RESTRICTIONS, SO AS TO PROHIBIT CONTRIBUTIONS FROM CERTAIN NONCANDIDATE COMMITTEES; AND TO AMEND SECTION 8-13-1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER AND COMMITTEES ESTABLISHED, FINANCED,

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MAINTAINED, OR CONTROLLED BY A CANDIDATE, SO AS TO DELETE THE CONTRIBUTION RESTRICTION EXCEPTION FOR CERTAIN TYPES OF COMMITTEES.

The Bill was read the third time and ordered sent to the Senate.

MOTION PERIOD

The motion period was dispensed with on motion of Rep. HODGES.

H. 3184--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3184 -- Reprs. Pope, Cole, Anderson, Bales, G. A. Brown, R. L. Brown, Finlay, Felder, Funderburk, Hart, Knight, Lucas, Murphy, Newton, Norman, Norrell, Putnam, Rivers, Southard, Spires, Tallon, Taylor, Wells, Williams, Willis, Bernstein, Long, Douglas, Henderson, G. M. Smith, G. R. Smith, McCoy, McKnight, Clary, M. S. McLeod, Thayer, W. J. McLeod, Weeks, J. E. Smith and Stavrinakis: A BILL TO AMEND SECTION 8-13-310, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE STATE ETHICS COMMISSION AND ITS MEMBERSHIP, SO AS TO RECONSTITUTE THE MEMBERSHIP OF THE COMMISSION EFFECTIVE JULY 1, 2015, TO CONSIST OF FOUR MEMBERS APPOINTED BY THE GOVERNOR, FOUR MEMBERS ELECTED BY THE SUPREME COURT, TWO MEMBERS ELECTED BY THE HOUSE OF REPRESENTATIVES, AND TWO MEMBERS ELECTED BY THE SENATE, RESPECTIVELY, TO PROVIDE FOR THE QUALIFICATIONS OF THESE MEMBERS, TO PROVIDE FOR OFFICERS OF THE COMMISSION, AND TO PROVIDE FOR THE MEMBERS' TERMS OF OFFICE AND MANNER OF THEIR REMOVAL UNDER CERTAIN CONDITIONS; TO AMEND SECTION 8-13-320, AS AMENDED, RELATING TO THE DUTIES, POWERS, AND PROCEDURES OF THE STATE ETHICS COMMISSION, SO AS TO REVISE THESE DUTIES, POWERS, AND PROCEDURES INCLUDING PROVISIONS TO VEST WITH THE COMMISSION THE ADDITIONAL RESPONSIBILITY TO INITIATE OR RECEIVE COMPLAINTS AGAINST MEMBERS OF THE GENERAL ASSEMBLY, ITS STAFF, AND CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY, TO INITIATE OR RECEIVE COMPLAINTS AGAINST JUDGES AND OTHER JUDICIAL OFFICIALS OF THE UNIFIED JUDICIAL SYSTEM AND

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THEIR STAFFS, TO PROVIDE FOR THE INVESTIGATION AND PROCESSING OF COMPLAINTS AGAINST GENERAL ASSEMBLY MEMBERS, STAFF, AND CANDIDATES PURSUANT TO SPECIFIED PROCEDURES AND FOR THE REFERRAL OF SUBSTANTIVE COMPLAINTS TO THE APPROPRIATE HOUSE OR SENATE ETHICS COMMITTEES FOR DISPOSITION TOGETHER WITH THE ETHICS COMMISSION'S RECOMMENDATION AS TO WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE A VIOLATION HAS OCCURRED, TO PROVIDE FOR THE INVESTIGATION AND PROCESSING OF COMPLAINTS AGAINST JUDGES AND OTHER JUDICIAL OFFICIALS OR THEIR STAFF PURSUANT TO SPECIFIED PROCEDURES AND, AFTER INVESTIGATION, FOR THE REFERRAL OF SUBSTANTIVE COMPLAINTS TO THE COMMISSION ON JUDICIAL CONDUCT AND THE SUPREME COURT FOR DISPOSITION TOGETHER WITH THE ETHICS COMMISSION'S RECOMMENDATION AS TO WHETHER OR NOT THERE IS PROBABLE CAUSE TO BELIEVE A VIOLATION HAS OCCURRED; TO AMEND SECTIONS 8-13-530 AND 8-13-540, BOTH AS AMENDED, RELATING TO THE DUTIES, FUNCTIONS, AND PROCEDURES OF THE HOUSE AND SENATE ETHICS COMMITTEES, SO AS TO REVISE THESE DUTIES, FUNCTIONS, AND PROCEDURES IN ORDER TO BE CONSISTENT WITH THE ABOVE PROVISIONS AND TO MAKE OTHER CHANGES; BY ADDING SECTION 8-13-545 SO AS TO AUTHORIZE THE HOUSE OR SENATE ETHICS COMMITTEES TO ISSUE FORMAL ADVISORY OPINIONS AND PROVIDE FOR THEIR EFFECT AND APPLICABILITY; AND BY ADDING ARTICLE 6 TO CHAPTER 13, TITLE 8 SO AS TO PROVIDE FOR JUDICIAL COMPLAINT PROCEDURES IN REGARD TO THE ABOVE PROVISIONS.

The Committee on Judiciary proposed the following Amendment No. 1 to H. 3184 (COUNCIL/NL/3184C001.NL.ZW15), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Section 8-13-310 of the 1976 Code, as last amended by Act 279 of 2012, is further amended to read:

~~“Section 8-13-310. (A) The State Ethics Commission as constituted under law in effect before July 1, 1992, is reconstituted to continue in existence with the appointment and qualification of the~~

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~~at large members as prescribed in this section and with the changes in duties and powers as prescribed in this chapter. On July 1, 1993, when the duties and powers given to the Secretary of State in Chapter 17 of Title 2 are transferred to the State Ethics Commission, the Code Commissioner is directed to change all references to "this chapter" in Article 3 of Chapter 13 of Title 8 to "this chapter and Chapter 17 of Title 2".~~

~~(B) There is created the State Ethics Commission composed of nine members appointed by the Governor, upon the advice and consent of the General Assembly. One member shall represent each of the seven congressional districts, and two members must be appointed from the State at large. No member of the General Assembly or other public official must be eligible to serve on the State Ethics Commission. The Governor shall make the appointments based on merit regardless of race, color, creed, or gender and shall strive to assure that the membership of the commission is representative of all citizens of the State of South Carolina.~~

~~(C) The terms of the members are for five years and until their successors are appointed and qualify. The members of the State Ethics Commission serving on this chapter's effective date may continue to serve until the expiration of their terms. These members may then be appointed to serve one full five-year term under the provisions of this chapter.~~

~~Members representing the first, third, and sixth congressional districts on this chapter's effective date are eligible to be appointed for a full five-year term in or after 1991. Members currently representing the second, fourth, and fifth congressional districts on this chapter's effective date are eligible to be appointed for a full five-year term in or after 1993. The initial appointments for the at large members of the commission created by this chapter must be for a one-, two-, or three-year term, but these at large members are eligible subsequently for a full five-year term. Under this section, the at large members of the commission are to be appointed to begin service on or after July 1, 1992. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term only. Members of the commission who have completed a full five-year term are not eligible for reappointment.~~

~~(D) The commission shall elect a chairman, a vice chairman, and such other officers as it considers necessary. Five members of the commission shall constitute a quorum. The commission must adopt a policy concerning the attendance of its members at commission meetings. The commission meets at the call of the chairman or a majority~~

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~~of its members. Members of the commission, while serving on business of the commission, receive per diem, mileage, and subsistence as is provided by law for members of state boards, committees, and commissions.~~

(A) There is created the State Ethics Commission which beginning July 1, 2015, shall be composed of the members provided for in this subsection:

(1) four members must be appointed by the Governor, no more than two of whom are associated with the appointing Governor's political party;

(2) four members must be elected by the Supreme Court, each of whom must not be actively serving judges of any court of this State, including summary court judges or retired judges sitting or permitted to sit as judges in the courts of this State;

(3) two members must be elected by the Senate with one member being nominated by the majority political party in the General Assembly and the other being nominated by the largest minority party in the General Assembly; and

(4) two members must be elected by the House of Representatives with one member being nominated by the majority political party in the General Assembly and the other being nominated by the largest minority party in the General Assembly.

(B)(1) The qualifications the appointing or electing authorities shall consider for the appointees include, but are not limited to:

(a) ethical fitness;

(b) character;

(c) mental stability;

(d) experience;

(e) temperament; and

(f) if the appointee has contributed to the election campaign of the individual appointing him to the State Ethics Commission within the previous four years.

(2) Members shall be chosen based on merit. However, in making appointments to the commission, the appointing authorities shall ensure that race, color, gender, national origin, and other demographic factors are considered to ensure the geographic and political balance of the appointments, and shall strive to assure that the membership of the commission represents, to the greatest extent possible, all segments of the population of this State.

(3) The following are not eligible to serve on the State Ethics Commission:

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(a) a member of the General Assembly;

(b) a family member, as defined by Section 8-13-100(15), of a member of the General Assembly, the Governor, or any member of the Supreme Court;

(c) a person who registered as a lobbyist within four years of being appointed to serve on the State Ethics Commission;

(d) a person who is under the jurisdiction of the State Ethics Commission, the House of Representatives Ethics Committee, or the Senate Ethics Committee; and

(e) an actively serving judge of any court of this State, including summary court judges, and any retired judge sitting or permitted to sit in any court of this State.

(C) Any member of the commission who has made a campaign contribution as defined in Section 8-13-1300(7) or has any direct financial relationship, including interest in a business, partnership or LLC, with the respondent before the commission must recuse themselves from all proceedings concerning that respondent.

(D) The terms of the members are for five years. The terms of the members currently serving expire on June 30, 2015; however, a member who is serving at that time may be appointed for a new five-year term. For the initial appointments made by the Governor, two must be for a term of two years, the third must be for a term of four years, and the fourth must be for a full five-year term. For the initial appointments made by the House of Representatives and the Senate, one must be for a three-year term and the other must be for a full five-year term. The initial members who have served terms that are less than five years are eligible to be reappointed for one full five-year term. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term only. Members of the commission who have completed a full five-year term are not eligible for reappointment and shall not serve on the commission after their term expires.

(E) The commission shall elect a chairman, a vice chairman, and such other officers as it considers necessary. Seven members of the commission constitute a quorum. The commission shall adopt a policy concerning the attendance of its members at commission meetings. The commission meets at the call of the chairman or a majority of its members. Members of the commission, while serving on business of the commission, receive per diem, mileage, and subsistence as is provided by law for members of state boards, committees, and commissions.

(F)(1) A commission member appointed by the Governor may be removed from office by the Governor for malfeasance, misfeasance,

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incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity, pursuant to Section 1-3-240.

(2) A commission member elected by the Senate or the House of Representatives may be removed for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity upon a finding by two-thirds of the membership of the appropriate body.”

SECTION 2. A. The first paragraph of Section 8-13-320(9) of the 1976 Code, as last amended by Act 245 of 2008, is further amended to read:

“(9) to initiate or receive complaints and make investigations, as provided in item (10), of statements filed or allegedly failed to be filed under the provisions of this chapter and Chapter 17, ~~of~~ Title 2 and, upon complaint by an individual, of an alleged violation of this chapter or Chapter 17, ~~of~~ Title 2 by a public official, public member, or public employee ~~except members or staff, including staff elected to serve as officers of or candidates for the General Assembly unless otherwise provided for under House or Senate rules.~~ Any person charged with a violation of this chapter or Chapter 17, ~~of~~ Title 2 is entitled to the administrative hearing process contained in this section.”

B. Section 8-13-320(10)(g) of the 1976 Code, as last amended by Act 1 of 2011, is further amended to read:

“(g) All investigations, inquiries, hearings, and accompanying documents ~~must remain~~ are confidential until a finding of probable cause or dismissal unless the respondent waives the right to confidentiality and only may be released pursuant to this subsection. After a finding of probable cause by a majority of the commission, the following documents become public record: the complaint, the response by the respondent, the notice of hearing, exhibits introduced at a hearing, the commission’s findings, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy. The respondent may waive the right to confidentiality. The ~~wilful~~ wilful release of confidential information is a misdemeanor, and any person releasing confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year.”

C. Section 8-13-320(10)(j) of the 1976 Code is amended to read:

“(j) If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the commission’s possession relating to the charges. The same discovery techniques which are

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available to the commission must be equally available to the respondent, including the right to request the commission to subpoena witnesses or materials and the right to conduct depositions as prescribed by subitem (f). A panel of three commissioners must conduct a hearing in accordance with Chapter 23, of Title 1 (Administrative Procedures Act), except as otherwise expressly provided. Panel action requires the participation of the three panel members. During a commission panel hearing conducted to determine whether a violation of the chapter has occurred, the respondent must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. All evidence, including records the commission considers, must be offered fully and made a part of the record in the proceedings. The hearings must be ~~held in executive session unless the respondent requests an open hearing~~ open to the public.”

D. Section 8-13-320(11) of the 1976 Code is amended to read:

“(11)(a) to issue, upon request from persons covered by this chapter, and publish formal advisory opinions on the requirements of this chapter, based on real or hypothetical sets of circumstances; provided, that an opinion rendered by the commission or an opinion issued by the commission prior to the effective date of this act, until amended or revoked, is binding on the commission in any subsequent charges concerning the person who requested the opinion and who acted in reliance on it in good faith unless material facts were omitted or misstated by the person in the request for the opinion. Formal advisory opinions must be in writing and are considered rendered when approved by ~~five or more~~ a majority of the commission members subscribing to the advisory opinion. Advisory opinions must be made available to the public unless the commission, by majority vote of the total membership of the commission, requires an opinion to remain confidential. However, the identities of the parties involved must be withheld upon request;

(b) the State Ethics Commission may issue through its staff a written informal advisory opinion, based on real or hypothetical sets of circumstances, to a person or governmental entity within the commission’s jurisdiction upon that person’s or governmental entity’s request. If raised in response to a complaint, the commission shall consider whether the person who requested the opinion or who is a member of the governmental entity who requested the informal opinion and who is affected by the circumstances described within the request

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for the informal opinion, relied in good faith on a written informal advisory opinion prior to making a probable cause determination.”

E. Section 8-13-320 of the 1976 Code, as last amended by Act 1 of 2011, is further amended by adding appropriately numbered items to read:

“() to initiate upon the vote of a majority of the membership, and to receive complaints against a member or staff of the appropriate house or legislative caucus committee, or a candidate for the appropriate house, alleging a violation of this chapter or Chapter 17, Title 2 and to conduct an investigation into the complaint pursuant to Section 8-13-540;

() to provide a copy of the complaint and accompanying materials to the Attorney General if the commission finds that there is probable cause to support the existence of criminal intent on the part of the respondent when the violation occurred.”

SECTION 3. Section 8-13-350 of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“Section 8-13-350. When hired, filing for office, or appointed and upon assuming the duties of employment, office, or position in state government, a public official, public member, and public employee shall receive a brochure prepared by the State Ethics Commission describing the general application of this chapter. The brochure must be created and updated by the State Ethics Commission and the brochure must provide an outline of the enforcement structure in the Ethics Act, the filing deadlines provided in the Ethics Act, and a general overview of the duties and responsibilities of individuals under the Ethics Act. Upon receipt of the brochure, the receiving individual should sign a document memorializing his receipt of the brochure. This signed document should be transmitted to the appropriate supervisory agency for its retention.”

SECTION 4. Section 8-13-530 of the 1976 Code, as last amended by Act 245 of 2008, is further amended to read:

“Section 8-13-530. Each ethics committee shall:

(1) ascertain whether a person has failed to comply fully and accurately with the disclosure requirements of this chapter and promptly notify the person to file the necessary notices and reports to satisfy the requirements of this chapter;

(2) receive complaints filed by individuals and, upon a majority vote of the total membership of the committee, file complaints when alleged violations are identified;

(3) upon the filing of a complaint, investigate possible violations of a rule or breach of a privilege governing a member or staff of the appropriate house, the alleged breach of a rule governing a

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member of, legislative caucus committees for, or a candidate, or staff for the appropriate house, ~~misconduct of a member or staff of, legislative caucus committees for, or a candidate for the appropriate house, or a violation of this chapter or Chapter 17 of Title 2. Upon the filing of a complaint alleging a violation by a member or staff of the appropriate house or legislative caucus committee, or a candidate for the appropriate house, for a violation of this chapter or Chapter 17, Title 2, except a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the ethics committee shall refer the complaint to the State Ethics Commission for an investigation pursuant to Section 8-13-540. The appropriate ethics committee shall investigate and make determinations for technical violations of Section 8-13-1170 or 8-13-1372;~~

(4) receive and hear a complaint which alleges a breach of a privilege governing a member or staff of the appropriate house, the alleged breach of a rule governing a member or staff of or candidate for the appropriate house, ~~misconduct of a member or staff of or candidate for the appropriate house, or a violation of this chapter or Chapter 17 of Title 2;~~

(5) no complaint may be accepted by the ethics committee or the State Ethics Commission concerning a member of or candidate for the appropriate house during the fifty-day period before an election in which the member or candidate is a candidate. ~~During this fifty-day period, any person may petition the court of common pleas alleging the violations complained of and praying for appropriate relief by way of mandamus or injunction, or both. Within ten days, a rule to show cause hearing must be held, and the court must either dismiss the petition or direct that a mandamus order or an injunction, or both, be issued. A violation of this chapter by a candidate during this fifty-day period must be considered to be an irreparable injury for which no adequate remedy at law exists. The institution of an action for injunctive relief does not relieve any party to the proceeding from any penalty prescribed for violations of this chapter. The court must award reasonable attorney's fees and costs to the nonpetitioning party if a petition for mandamus or injunctive relief is dismissed based upon a finding that the:~~

(i) ~~petition is being presented for an improper purpose such as harassment or to cause delay;~~

(ii) ~~claims, defenses, and other legal contentions are not warranted by existing law or are based upon a frivolous argument for the extension, modification, or reversal of existing law or the establishment of new law; and~~

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~~(iii) allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after reasonable opportunity for further investigation or discovery.~~

Action on a complaint filed against a member or candidate which was received more than fifty days before the election but which cannot be disposed of or dismissed by the ethics committee at least thirty days before the election must be postponed until after the election;

~~(5)(6)~~ obtain information and ~~investigate~~ hear complaints as provided in Section 8-13-540 with respect to any complaint filed pursuant to this chapter or Chapter 17, of Title 2 and to that end may compel by subpoena issued by a majority vote of the committee the attendance and testimony of witnesses and the production of pertinent books and papers;

~~(6)(7)~~ administer or recommend sanctions appropriate to a particular member, or staff of, or candidate for, the appropriate house pursuant to Section 8-13-540, including the recovery of the value of anything transferred or received in breach of the ethical standards, or dismiss the charges; and

~~(7)(8)~~ act as an advisory body to the General Assembly and to individual members of or candidates for the appropriate house on questions pertaining to the disclosure and filing requirements of members of or candidates for the appropriate house and to issue, upon request from persons covered by this chapter and Chapter 17, Title 2, and publish advisory opinions on the requirements of these chapters.”

SECTION 5. A. Section 8-13-540 of the 1976 Code, as last amended by Act 184 of 1993, is further amended to read:

~~“Section 8-13-540. Unless otherwise provided for by House or Senate rule, as appropriate, each ethics committee must conduct its investigation of a complaint filed pursuant to this chapter or Chapter 17 of Title 2 in accordance with this section.~~

~~(1) When a complaint is filed with or by the ethics committee, a copy must promptly be sent to the person alleged to have committed the violation. If the ethics committee determines the complaint does not allege facts sufficient to constitute a violation, the complaint must be dismissed and the complainant and respondent notified. If the ethics committee finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to appropriate law enforcement authorities. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal~~

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penalty provided by this subsection, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof, by a preponderance of the evidence, that the filing of the complaint was wilful and without just cause or with malice. If the ethics committee determines the complaint alleges facts sufficient to constitute a violation, it shall promptly investigate the alleged violation and may compel by subpoena the attendance and testimony of witnesses and the production of pertinent books and papers.

If after such preliminary investigation, the ethics committee finds that probable cause exists to support an alleged violation, it shall, as appropriate:

(a) render an advisory opinion to the respondent and require the respondent's compliance within a reasonable time; or

(b) convene a formal hearing on the matter within thirty days of the respondent's failure to comply with the advisory opinion. All ethics committee investigations and records relating to the preliminary investigation are confidential. No complaint shall be accepted which is filed later than four years after the alleged violation occurred.

(2) If a hearing is to be held, the respondent must be allowed to examine and make copies of all evidence in the ethics committee's possession relating to the charges. At the hearing the charged party must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. All hearings must be conducted in executive session.

(3) After the hearing, the ethics committee shall determine its findings of fact. If the ethics committee, based on competent and substantial evidence, finds the respondent has violated this chapter or Chapter 17 of Title 2, it shall:

(a) administer a public or private reprimand;

(b) determine that a technical violation as provided for in Section 8-13-1170 has occurred;

(c) recommend expulsion of the member; and/or,

(d) in the case of an alleged criminal violation, refer the matter to the Attorney General for investigation. The ethics committee shall report its findings in writing to the Speaker of the House or President *Pro Tempore* of the Senate, as appropriate. The report must be accompanied by an order of punishment and supported and signed by a majority of the ethics committee members. If the ethics committee finds the respondent has not violated a code or statutory provision, it shall dismiss the charges.

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~~(4) An individual has ten days from the date of the notification of the ethics committee's action to appeal the action to the full legislative body.~~

~~(5) No ethics committee member may participate in any matter in which he is involved.~~

~~(6) The ethics committee shall establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses.~~

(A)(1) When a complaint is filed with or by the ethics committee, a copy must be sent to the person alleged to have committed the violation and to the State Ethics Commission, within thirty days from the date the complaint was filed, for an investigation as provided in this subsection. The State Ethics Commission may commence an investigation of an alleged violation of this chapter or Chapter 17, Title 2 of a member of the General Assembly, its staff, or candidates for the General Assembly upon the filing of a complaint by the commission or an individual, or by the referral of a complaint by the appropriate ethics committee. A copy of the complaint must be sent to the appropriate ethics committee. However, the appropriate ethics committee shall investigate and make a determination for a complaint that alleges only a technical violation of Section 8-13-1170 or 8-13-1372.

(2) If an alleged violation is found to be groundless by the State Ethics Commission, a report must be provided to the appropriate ethics committee. The appropriate ethics committee may concur or nonconcur with the commission's report or, within fifteen days from the receipt of the State Ethics Commission's report, request the commission to continue the investigation and consider additional matters not considered by the commission. If the commission finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than one year. In lieu of the criminal penalty provided by this item, a civil penalty of not more than one thousand dollars may be assessed against the complainant upon proof by a preponderance of the evidence that the filing of the complaint was wilful and without just cause or with malice.

(3) Action may not be taken on a complaint filed more than four years after the violation is alleged to have occurred unless a person, by fraud or other device, prevents discovery of the violation.

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(4)(a) To conduct its investigation:

(i) the State Ethics Commission, upon receipt of information, may initiate a complaint upon an affirmative vote of the commission or shall accept notarized complaints referred from the ethics committees or from an individual, whether personally or on behalf of an organization or governmental body, that states the name of a person alleged to have committed a violation of this chapter or Chapter 17, Title 2 and the particulars of the violation. The commission shall forward a copy of the complaint, a general statement of the applicable law with respect to the complaint, and a statement explaining the due process rights of the respondent including, but not limited to, the right to counsel to the respondent within ten days of the filing of the complaint;

(ii) if the commission or its executive director determines that the complaint does not allege facts sufficient to constitute a violation, a report must be provided to the appropriate ethics committee. The appropriate ethics committee may concur or nonconcur with the commission's report, or within fifteen days from the committee's receipt of the finding, the committee may request the commission to continue the investigation and consider additional matters not considered by the commission. If the appropriate ethics committee concurs with the recommendation to dismiss the complaint, the committee must notify the complainant and respondent. All documents related to a complaint that result in a dismissal or a finding of no probable cause remains confidential, unless the respondent waives the right to confidentiality;

(iii) if the commission or its executive director determines that the complaint alleges facts sufficient to constitute a violation, an investigation may be conducted into the alleged violation. However, if the commission receives or initiates a complaint regarding a member of the General Assembly, legislative staff, or a candidate for the General Assembly, that only alleges a technical violation pursuant to Section 8-13-1170 or 8-13-1372, the complaint must be forwarded to the appropriate ethics committee for an investigation and disposition of the matter;

(iv) if the commission finds that there is evidence of wilful conduct that would constitute a criminal violation of Chapter 28 of Title 16, Chapter 13 of Title 8, or Chapter 17 of Title 2, on the part of the respondent when the violation occurred, then the complaint and accompanying materials also must be provided to the Attorney General. This provision does not limit any authority of the Attorney General or circuit solicitor to initiate or conduct any criminal investigation within his jurisdiction;

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(v) if the commission determines that assistance is needed in conducting an investigation, the commission shall request the assistance of appropriate agencies;

(vi) the commission may order testimony to be taken in any investigation or hearing by deposition before a person who is designated by the commission and has the power to administer oaths and, in these instances, to compel testimony. The commission may administer oaths and affirmation for the testimony of witnesses and issue subpoenas by approval of the chairman, subject to judicial enforcement, and issue subpoenas for the procurement of witnesses and materials including books, papers, records, documents, or other tangible objects relevant to the agency's investigation by approval of the chairman, subject to judicial enforcement. A person to whom a subpoena has been issued may move before a commission panel or the commission for an order quashing a subpoena issued pursuant to this section.

(b) All investigations and accompanying documents are confidential and only may be released pursuant to this item. Thirty days after a recommendation of probable cause by the commission after it completes its investigation, the following documents become public record: the complaint, the response by the respondent, the notice of hearing before the appropriate ethics committee, the investigative findings, exhibits introduced at any hearing, and the final order. However, if the appropriate committee requests a further investigation, the documents must not be released until thirty days after the conclusion of the investigation or upon a finding of probable cause by the committee, whichever occurs earlier.

(c) Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy. The respondent may waive the right to confidentiality. The wilful release of confidential information is a misdemeanor, and a person releasing confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned for not more than one year.

(5) Upon completion of the commission's investigation, the commission shall make a recommendation as to whether there is probable cause to believe a violation of this chapter or of Chapter 17, Title 2 has occurred. The commission shall forward a copy of its recommendation, along with a copy of all relevant reports, evidence, and testimony, to the appropriate ethics committee.

(6) If after reviewing the commission's recommendation and relevant evidence, the ethics committee determines that probable cause

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does not exist, it shall send a written decision to the respondent and the complainant. If the ethics committee determines that probable cause exists to support an alleged violation, it shall, as appropriate:

(a) render an advisory opinion to the respondent and require the respondent's compliance within a reasonable time; or

(b) convene a formal public hearing on the matter within thirty days of the respondent's failure to comply with the advisory opinion. A complaint must not be accepted which is filed later than four years after the alleged violation occurred.

(B) If a formal public hearing is to be held:

(1) the investigator or attorney handling the investigation from the ethics commission shall present the evidence related to the complaint to the appropriate ethics committee;

(2) it is the duty of the investigator or attorney to further investigate the subject of the complaint and any related matters under the jurisdiction and at the direction of the ethics committee, to request assistance from appropriate state agencies as needed, to request authorization from the committee for funds for the hiring of auditors, investigators, or other assistance as necessary, to prepare subpoenas, and to present evidence to the committee at any public hearing. The appropriate committee shall maintain the authority to approve subpoenas, authorize expenditures, dismiss complaints, schedule hearings, grant continuances, and any other authority as provided for by their rules;

(3) the respondent must be allowed to examine and make copies of all evidence in the ethics committee's possession relating to the charges. At the hearing the charged party must be afforded appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. All hearings must be open to the public.

(C)(1) After the hearing, the ethics committee shall determine its findings of fact. If the ethics committee, based on competent and substantial evidence, finds the respondent has violated this chapter or Chapter 17, Title 2, it shall:

(a) administer a public reprimand;

(b) determine that a technical violation as provided for in Section 8-13-1170 or 8-13-1372 has occurred;

(c) require the respondent to pay a civil penalty not to exceed two thousand dollars for each nontechnical violation that is unrelated to

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the late filing of a required statement or report or failure to file a required statement or report:

(d) require the forfeiture of gifts, receipts, or profits, or the value of each, obtained in violation of Chapter 13, Title 8 or Chapter 17, Title 2;

(e) recommend expulsion of the member;

(f) provide a copy of the complaint and accompanying materials to the Attorney General if the committee finds evidence of willful conduct on the part of the respondent when the violation occurred; however, this provision does not limit any authority of the Attorney General or circuit solicitor to initiate or conduct any criminal investigation within his jurisdiction;

(g) require a combination of subitems (a) through (f) as necessary and appropriate.

(2) The ethics committee shall report its findings in writing to the Speaker of the House of Representatives or President *Pro Tempore* of the Senate, as appropriate. The report must be accompanied by an order of punishment and supported and signed by a majority of the ethics committee members. If the ethics committee finds the respondent has not violated a code or statutory provision, it shall dismiss the charges.

(D) An individual has ten days from the date of the notification of the ethics committee's action to appeal the action to the full legislative body.

(E) No ethics committee member may participate in any matter in which he is involved.

(F) The ethics committee shall establish procedures which afford respondents appropriate due process protections, including the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses.”

B. Article 5, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8-13-545. (A) The ethics committee may issue a formal advisory opinion, based on real or hypothetical sets of circumstances. A formal advisory opinion issued by the committee is binding on the State Ethics Commission and the committee, until amended or revoked, in any subsequent charges concerning the person who requested the formal opinion and any other person who acted in reliance upon it in good faith unless material facts were omitted or misstated by the person in the request for the opinion. A formal advisory opinion must be in writing and is considered rendered when approved by a majority of the

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committee members subscribing to the advisory opinion. Advisory opinions must be made available to the public unless the committee, by majority vote of the total membership of the committee, requires an opinion to remain confidential. However, the identities of the parties involved must be withheld upon request.

(B) The State Ethics Commission and the appropriate ethics committee shall consider whether a person relied in good faith upon a formal advisory opinion or written informal opinion issued by the committee prior to the effective date of this act, unless amended or revoked prior to the action considered as a possible violation, prior to making a probable cause decision.”

SECTION 6. Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Article 6

Judicial Complaints and Procedures

Section 8-13-610. (A) There is created a Commission on Judicial Conduct. The commission has jurisdiction over judges regarding allegations that misconduct occurred before or during service as a judge and regarding allegations of incapacity during service as a judge. The commission has continuing jurisdiction over former judges regarding allegations that misconduct occurred during service as a judge. The commission shall also have jurisdiction over allegations that a former judge has made false statements or presented false evidence, or has committed conduct which would be a ground for discipline under Rule 7(a)(2), Rules for Judicial Disciplinary Enforcement (RJDE), Rule 502, South Carolina Appellate Court Rules (SCACR), during a disciplinary proceeding against the former judge even if the conduct did not occur during the time of service as a judge, and the commission may recommend the imposition of a sanction under Rule 7(b) or may recommend that a finding of criminal contempt be made by the Supreme Court for this conduct.

(B) The commission shall be composed of twenty-four members determined by the Supreme Court, the General Assembly, and the Governor as follows:

(1) The Supreme Court shall elect eight members, six of whom shall be judges from the circuit court, family court, or masters-in-equity, and two shall be judges from the magistrate, municipal, or probate courts.

(2) The Senate shall elect four members, two of whom must be regular members of the South Carolina Bar appointed from the state at large, and two of whom must be public members appointed from the

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state at large. To be eligible for election, two members must first be nominated by the majority party of the Senate and two members must be nominated by the minority party of the Senate.

(3) The House of Representatives shall elect four members, two of whom must be regular members of the South Carolina Bar appointed from the state at large, and two of whom must be public members appointed from the state at large. To be eligible for election, two members must first be nominated by the majority party of the House and two members must be nominated by the minority party of the House.

(4) The Governor shall appoint eight members, four of whom must be regular members of the South Carolina Bar appointed from the state at large, and four of whom must be public members appointed from the state at large. Additionally, no more than four of the appointees may be associated with the appointing Governor's political party. Executive branch employees and current members of the Governor's staff may not be appointed to serve as commission members.

(C) For purposes of this section, 'public member' means a commission member who has never served as a judge or admitted to practice law. The term 'public member' excludes current members of the General Assembly, executive branch employees, or current members of the Governor's staff.

(D) Commission members shall serve for a term of four years and until their successors are appointed and qualify. Commission members are eligible for reappointment. A member assigned to a hearing panel may continue to participate in the hearing and decision of a matter despite the expiration of the member's term if the hearing began before the expiration of the term. A vacancy shall occur when a commission member ceases to be eligible to represent the category from which the member was appointed, is removed by the member's appointing authority, or becomes unable to serve. Vacancies must be filled in the manner of the original appointment for the unexpired portion of the term only. Members of the commission, while serving on business of the commission, shall receive per diem, mileage, and subsistence as is provided by law for members of state boards, committees, and commissions. Current members of the General Assembly may not be appointed to serve as commission members.

(E) Except as otherwise provided in this article, the commission's organization, authority, powers, duties, and responsibilities are delineated in Rule 4, RJDE, Rule 502, SCACR.

Section 8-13-620. The Rules for Judicial Disciplinary Enforcement, Rule 502, SCACR, shall govern the regulation of judicial

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conduct and provide the procedure for resolving allegations that a judge has committed ethical misconduct.

Section 8-13-630. (A) All judicial misconduct investigations, inquiries, hearings, and accompanying documents are confidential and only may be released pursuant to this subsection. Upon the filing of formal charges, the following documents become public record: the complaint, the response by the respondent, the notice of hearing, exhibits introduced at a hearing, the commission's findings, and the final order. Exhibits introduced must be redacted prior to release to exclude personal information where the public disclosure would constitute an unreasonable invasion of personal privacy. The respondent may waive the right to confidentiality.

(B) The wilful release of confidential information is a misdemeanor, and any person releasing confidential information, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year. If allegations of incapacity, as defined in Rule 2(l), RJDE, Rule 502, SCACR, are raised during the misconduct proceedings, all records, information, and proceedings relating to these allegations must be held confidential.

Section 8-13-640. If the chair, vice-chair or a panel of the Commission on Judicial Conduct is in possession of reliable information indicating that a judge has violated the criminal laws of this State, another state, the District of Columbia, or the United States, the existence of the misconduct proceedings and other materials related to a criminal violation must be provided as soon as practicable to the Attorney General, the United States Attorney, or another similarly suitable law enforcement official for appropriate action."

SECTION 7. Title 16 of the 1976 Code is amended by adding:

“CHAPTER 28

Ethics

Criminal Penalties

Section 16-28-100. As used in this chapter, all terms shall have the same definition as contained in Sections 8-13-100 and 8-13-1300 as applicable.

Section 16-28-110. (A) A person may not, directly or indirectly, give, offer, or promise anything of value to a public official, public member, or public employee with the intent to:

(1) influence the discharge of a public official's, public member's, or public employee's official responsibilities

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(2) influence a public official, public member, or public employee to commit, aid in committing, collude in, or allow fraud on a governmental entity; or

(3) induce a public official, public member, or public employee to perform or fail to perform an act in violation of the public official's, public member's, or public employee's official responsibilities:

(B) A public official, public member, or public employee may not, directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value for himself or for another person in return for being:

(1) influenced in the discharge of his official responsibilities;

(2) influenced to commit, aid in committing, collude in, or allow fraud, or make an opportunity for the commission of fraud on a governmental entity; or

(3) induced to perform or fail to perform an act in violation of his official responsibilities.

(C) A person may not, directly or indirectly, give, offer, or promise to give anything of value to another person with intent to influence testimony under oath or affirmation in a trial or other proceeding before:

(1) a court;

(2) a committee of either house or both houses of the General Assembly; or

(3) an agency, commission, or officer authorized to hear evidence or take testimony or with intent to influence a witness to fail to appear.

(D) A person may not, directly or indirectly, ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value in return for influencing testimony under oath or affirmation in a trial or other proceeding before:

(1) a court;

(2) a committee of either house or both houses of the General Assembly; or

(3) an agency, commission, or officer authorized to hear evidence or take testimony or with intent to influence a witness to fail to appear.

(E) Subsections (C) and (D) do not prohibit the payment or receipt of witness fees provided by law or the payment by the party on whose behalf a witness is called and receipt by a witness of the reasonable costs of travel and subsistence at trial, hearing, or proceeding, or, in the case of an expert witness, of the reasonable fee for time spent in the preparation of the opinion and in appearing or testifying.

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(F) A person who violates the provisions of this section is guilty of a felony and, upon conviction, must be punished by imprisonment for not more than ten years and a fine of not more than ten thousand dollars and is permanently disqualified from being a public official or a public member. A public official, public member, or public employee who violates the provisions of this section forfeits his public office, membership, or employment.

(G) This section does not apply to political contributions unless the contributions are conditioned upon the performance of specific actions of the person accepting the contributions nor does it prohibit a parent, grandparent, or other close relative from making a gift to a child, grandchild, or other close relative for love and affection except as otherwise provided.

Section 16-28-115. (A) No person may knowingly use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual's duties as a holder of elective office.

(B) The payment of reasonable and necessary travel expenses or for food or beverages consumed by the candidate or members of his immediate family while at, and in connection with, a political event are permitted.

(C) A person who wilfully or recklessly violates the provisions of this section:

(1) if the amount is two thousand dollars or less in the aggregate during any reporting period for the certified campaign reports as set forth in Section 8-13-1308, or in final disbursement as set forth in Section 8-13-1370, is guilty of misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65. Upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than thirty days and must refund the amount of personal use back to his campaign account;

(2) if the amount is more than two thousand dollars but less than ten thousand dollars in the aggregate during any reporting period for the certified campaign reports as set forth in Section 8-13-1308, or in final disbursement as set forth in Section 8-13-1370, the person is guilty of a felony and, upon conviction, must be fined in the discretion of the court

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or imprisoned not more than five years and must refund the amount of personal use back to his campaign account;

(3) if the amount is ten thousand dollars or more in the aggregate during any reporting period for the certified campaign reports as set forth in Section 8-13-1308, or in final disbursement as set forth in Section 8-13-1370, the person is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, and must refund the amount of personal use back to his campaign account.

Section 16-28-120. (A) No person may wilfully offer or pay to a public official, public member, or public employee and no public official, public member, or public employee may wilfully solicit or receive money in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee.

(B) A person who wilfully or recklessly violates the provisions of this section:

(1) if the amount is two thousand dollars or less, is guilty of a misdemeanor triable in magistrates court or municipal court, notwithstanding the provisions of Sections 22-3-540, 22-3-545, 22-3-550, and 14-25-65. Upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than thirty days and must refund the amount of money to the state's general fund;

(2) if the amount is more than two thousand dollars but less than ten thousand dollars, is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than five years and must refund the amount of money to the state's general fund;

(3) if the amount is ten thousand dollars or more, is guilty of a felony and, upon conviction, must be fined in the discretion of the court or imprisoned not more than ten years, and must refund the amount of money to the state's general fund.

Section 16-28-125. (A) A public official, public member, or public employee may not wilfully use or disclose confidential information gained in the course of or by reason of his official responsibilities in a way that would affect an economic interest held by him, a family member, an individual with whom he is associated, or a business with which he is associated.

(B)(1) A public official, public member, or public employee may not wilfully examine, or aid and abet in the wilful examination of, a tax return of a taxpayer, a worker's compensation record, a record in

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connection with health or medical treatment, social services records, or other records of an individual in the possession of or within the access of a public department or agency if the purpose of the examination is improper or unlawful.

(2) A person convicted of violating this subsection must be fined not more than five thousand dollars or imprisoned not more than five years, or both, and shall reimburse the costs of prosecution. Upon conviction, the person also must be discharged immediately from his public capacity as an official, member, or employee.

Section 16-28-130. (A) No public official, public member, or public employee may cause the employment, appointment, promotion, transfer, or advancement of a family member to a state or local office or position in which the public official, public member, or public employee supervises or manages.

(B) A public official, public member, or public employee may not participate in an action relating to the discipline of the public official's, public member's, or public employee's family member.

Section 16-28-135. A former public official, former public member, or former public employee may not for a period of one year after terminating his public service or employment:

(1) serve as a lobbyist or represent clients before the agency or department on which he formerly served in a matter which he directly and substantially participated during his public service or employment; or

(2) accept employment if the employment:

(a) is from a person who is regulated by the agency or department on which the former public official, former public member, or former public employee served or was employed; and

(b) involves a matter in which the former public official, former public member, or former public employee directly and substantially participated during his public service or public employment.

Section 16-28-140. It is a breach of ethical standards for a public official, public member, or public employee who is participating directly in procurement, as defined in Section 11-35-310(22), to resign and accept employment for a period of one year from the date of termination of service or employment with a person contracting with the governmental body if the contract falls or would fall under the public official's, public member's, or public employee's official responsibilities.

Section 16-28-145. (A) Unless otherwise provided for in this chapter, a person who wilfully violates a provision of this chapter is

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guilty of a misdemeanor and, upon conviction, must be punished by imprisonment of not more than three years or a fine of not more than ten thousand dollars, or both. A court also may order an appropriate amount of restitution taking under consideration any unjust enrichment, use of campaign funds to defray costs associated with a criminal action, or other factors deemed relevant to the particular case.

(B) As used in this chapter, the term 'wilfully' means that the act is intentional or knowing, as opposed to inadvertent."

SECTION 8. Section 8-13-780 of the 1976 Code, as last amended by Act 248 of 1991, is further amended to read:

"Section 8-13-780. (A) The provisions of this section are in addition to all other civil and administrative remedies against public officials, public members, or public employees which are provided by law.

~~(B) In addition to existing remedies for breach of the ethical standards of this chapter or regulations promulgated hereunder, the State Ethics Commission may impose an oral or written warning or reprimand. For violation of the ethical standards of this article, the appropriate supervisory agency may:~~

~~(1) administer a public reprimand;~~

~~(2) require the respondent to pay a civil penalty not to exceed two thousand dollars for each nontechnical violation that is unrelated to the late filing of a required statement or report or failure to file a required statement or report;~~

~~(3) require the forfeiture of gifts, receipts, or profits, or the value of each obtained in violation of Chapter 13, Title 8 or Chapter 17, Title 2;~~

~~(4) require a combination of items (1) through (3) as necessary and appropriate.~~

(C) The value of anything received by a public official, public member, or public employee in breach of the ethical standards of this chapter ~~or regulations promulgated hereunder~~ is recoverable by the State or other governmental entity in an action by the Attorney General against a person benefitting from the violations.

(D) Before a public employee's employment or a public official's or public member's association with the governmental entity is terminated for a violation of the provisions of this chapter, notice and an opportunity for a hearing must be provided to the public official, public member, or public employee."

SECTION 9. Section 8-13-790(A) of the 1976 Code, as last amended by Act 248 of 1991, is further amended to read:

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“(A) The value of anything transferred or received in breach of the ethical standards of Articles 1 through 11 of this chapter ~~or regulations promulgated under it~~ by a public employee, public official, or a nonpublic employee or official may be recovered from the public employee, public official, or nonpublic employee or official.”

SECTION 10. Section 8-13-1510 of the 1976 Code, as last amended by Act 40 of 2011, is further amended to read:

“Section 8-13-1510. ~~(A)~~ Except as otherwise specifically provided in this chapter, a person required to file a report or statement under this chapter who files a late statement or report or fails to file a required statement or report must be assessed a civil penalty as follows:

(1) a fine of one hundred dollars if the statement or report is not filed within five days after the established deadline provided by law in this chapter; and

(2) after notice has been given by certified or registered mail that a required statement or report has not been filed, a fine of ten dollars per calendar day for the first ten days after notice has been given, and one hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding five thousand dollars.

~~(B) After the maximum civil penalty has been levied and the required statement or report has not been filed, the person is:~~

~~(1) for a first offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five hundred dollars or imprisoned not more than thirty days;~~

~~(2) for a second offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not less than two thousand five hundred dollars nor more than five thousand dollars or imprisoned not less than a mandatory minimum of thirty days;~~

~~(3) for a third or subsequent offense, guilty of a misdemeanor triable in magistrates court and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.”~~

SECTION 11. Article 15, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8-13-1515. A person who wilfully fails to file a required statement or report which has the effect of concealing a violation of this chapter is guilty of a misdemeanor and, upon conviction, must be fined five thousand dollars or be imprisoned for not more than one year, or both, for each statement or report not filed.”

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SECTION 12. Section 8-13-1520 of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“Section 8-13-1520. (A) Except as otherwise specifically provided in this chapter and for failure to file a required statement or report, a person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned for not more than one year, or both.

(B) A person who wilfully violates any provision of this Article 13 is guilty of a misdemeanor and, upon conviction, must be fined not more than five hundred percent of the amount of contributions or anything of value that should have been reported pursuant to the provisions of this Article 13 but not less than five thousand dollars or imprisoned for not more than one year, or both.

(C) A violation of the provisions of this chapter does not necessarily subject a public official to the provisions of Section 8-13-560.

(D) For purposes of this section, ‘wilfully’ means that the act is intentional or knowing, as opposed to inadvertent.”

SECTION 13. Article 15, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8-13-1525. For a violation of the ethical standards of this article, the appropriate supervisory agency may:

- (1) administer a public reprimand;
- (2) require the respondent to pay a civil penalty not to exceed two thousand dollars for each nontechnical violation that is unrelated to the late filing of a required statement or report or failure to file a required statement or report;
- (3) require the forfeiture of gifts, receipts, or profits, or the value of each, obtained in violation of Chapter 13, Title 8, or Chapter 17, Title 2;
- (4) order the repayment of any campaign funds it determines were inappropriately used to defray costs associated with the defense of the matter;
- (5) require a combination of items (1) through (4) as necessary and appropriate.”

SECTION 14. Sections 8-13-705, 8-13-720, 8-13-725, 8-13-750, 8-13-755, and 8-13-760 of the 1976 Code are repealed.

SECTION 15. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability

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incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 16. Sections 1 through 6 of this act take effect on July 1, 2015, except that the election or appointment of members of the State Ethics Commission as provided for in Section 8-13-310 of the 1976 Code, as amended by this act, may take place upon the signature of this act by the Governor so that these members may take office and begin serving on July 1, 2015. Sections 7 through 14 of this act take effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Rep. POPE explained the amendment.

Rep. POPE spoke in favor of the amendment.

The amendment was then adopted.

Reps. J. E. SMITH and BRANNON proposed the following Amendment No. 2 to H. 3184 (COUNCIL\GGS\3184C002.GGS.ZW15), which was adopted:

Amend the bill, as and if amended, Section 8-13-540(A), as contained in SECTION 5A, page 3184-11, by striking item (2) in its entirety and inserting:

/ (A)(2) If an alleged violation is found to be groundless by the State Ethics Commission, a report must be provided to the appropriate ethics committee. The appropriate ethics committee may concur or nonconcur with the commission's report or, within fifteen days from the receipt of the State Ethics Commission's report, request the commission to continue the investigation and consider additional matters not considered by the commission. If the commission finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General and to the appropriate ethics committee. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than one year. In addition to the criminal penalty

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provided by this item, the appropriate ethics committee may assess a civil penalty of not more than one thousand dollars against the complainant upon proof by a preponderance of the evidence that the filing of the complaint was groundless, wilful and without just cause or with malice. /

Amend the bill further, Section 8-13-620, as contained in SECTION 6, page 3184-17, by striking Section 8-13-620 in its entirety and inserting:

/ Section 8-13-620. If an alleged violation is found to be groundless by the State Ethics Commission, a report must be provided to the Commission on Judicial Conduct. The Commission on Judicial Conduct may concur or nonconcur with the commission's report or, within fifteen days from the receipt of the State Ethics Commission's report, request the commission to continue the investigation and consider additional matters not considered by the commission. If the commission finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General and to the Commission on Judicial Conduct. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, the person must be fined not more than one thousand dollars or imprisoned not more than one year. In addition to the criminal penalty provided by this section, the Commission on Judicial Conduct may assess a civil penalty of not more than one thousand dollars against the complainant upon proof by a preponderance of the evidence that the filing of the complaint was groundless, wilful and without just cause or with malice. /

Amend the bill further, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION _____. Section 8-13-320(9)(c) of the 1976 Code, as last amended by Act 184 of 1993, is further amended to read:

“Section 8-13-320(9)(c). If an alleged violation is found to be groundless by the commission, the entire matter must be stricken from public record. If the commission finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General. The wilful filing of a groundless complaint is a misdemeanor and, upon conviction, a person must be fined not more than one thousand dollars or imprisoned not more than one year. ~~In lieu of addition to the criminal penalty provided by this item, the commission may assess~~ a civil penalty of not more than one thousand dollars ~~may be assessed~~ against the complainant upon proof, by a preponderance of the evidence, that the filing of the complaint was groundless, wilful and without just cause or with malice.” /

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Amend the bill further, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION _____. Section 2-17-140 of the 1976 Code is amended to read:

“Section 2-17-140. If an alleged violation is found to be groundless by the State Ethics Commission, the entire matter must be stricken from public record. If the State Ethics Commission finds that the complaining party wilfully filed a groundless complaint, the finding must be reported to the Attorney General. The wilful filing of a groundless complaint by a person with the State Ethics Commission is a misdemeanor, and the person filing a complaint, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year. ~~In lieu of~~ addition to the criminal penalty provided by this section, the commission may assess a civil penalty of not more than one thousand dollars ~~may be assessed~~ against the complainant upon proof, by a preponderance of the evidence, that the filing of the complaint was groundless, wilful and without just cause or with malice.” /

Renumber sections to conform.

Amend title to conform.

Rep. J. E. SMITH explained the amendment.

The amendment was then adopted.

Rep. POPE explained the Bill.

Rep. DANING moved to adjourn debate on the Bill until Wednesday, February 4.

Rep. POPE moved to table the motion, which was agreed to by a division vote of 66 to 13.

The question then recurred to the passage of the Bill.

The yeas and nays were taken resulting as follows:

Yeas 109; Nays 0

Those who voted in the affirmative are:

Alexander	Allison	Anderson
Anthony	Atwater	Bales
Ballentine	Bamberg	Bannister
Bedingfield	Bernstein	Bingham

[HJ]

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Bradley	Brannon	G. A. Brown
R. L. Brown	Burns	Chumley
Clary	Clemmons	Clyburn
Cobb-Hunter	Cole	Collins
Corley	H. A. Crawford	Crosby
Daning	Delleney	Dillard
Douglas	Duckworth	Erickson
Felder	Finlay	Forrester
Funderburk	Gagnon	George
Gilliard	Goldfinch	Hamilton
Hardee	Hardwick	Hart
Hayes	Henderson	Henegan
Herbkersman	Hicks	Hiott
Hixon	Hodges	Hosey
Howard	Huggins	Jefferson
Johnson	Kennedy	King
Kirby	Knight	Loftis
Long	Lucas	McCoy
McEachern	McKnight	M. S. McLeod
W. J. McLeod	Merrill	Mitchell
D. C. Moss	V. S. Moss	Murphy
Nanney	Newton	Ott
Parks	Pitts	Pope
Putnam	Quinn	Ridgeway
Riley	Rivers	Robinson-Simpson
Rutherford	Sandifer	Simrill
G. M. Smith	G. R. Smith	J. E. Smith
Sottile	Southard	Spires
Stringer	Tallon	Taylor
Thayer	Tinkler	Toole
Weeks	Wells	Whipper
White	Whitmire	Willis
Yow		

Total--109

Those who voted in the negative are:

Total--0

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So, the Bill, as amended, was read the second time and ordered to third reading.

RECORD FOR VOTING

I was temporarily out of the Chamber on constituent business during the vote on H. 3184. If I had been present, I would have voted in favor of the Bill.

Rep. Joe Neal

RECORD FOR VOTING

I was temporarily out of the Chamber during the vote on H. 3184. If I had been present, I would have voted in favor of the Bill.

Rep. Leon Stavrinakis

STATEMENT FOR THE JOURNAL

I did not vote for H. 3184 because it does not abolish the House and Senate Ethics Committees which allow lawmakers to police themselves.

Rep. Jonathon D. Hill

Rep. FINLAY moved that the House do now adjourn, which was agreed to.

ADJOURNMENT

At 3:35 p.m. the House, in accordance with the motion of Rep. G. R. SMITH, adjourned in memory of Mr. Don Lowe, father of Representative Phillip Lowe, to meet at 10:00 a.m. tomorrow.

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H. 3188	24	H. 3446	14
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H. 3200	4	H. 3449	16
H. 3218	23	H. 3450	16
H. 3265	23	H. 3451	17
H. 3304	23	H. 3452	17
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H. 3436	8		
H. 3437	10	S. 8	19
H. 3438	10	S. 9	19