

## Session 120 - (2013-2014)

### **S 0338 General Bill, By Hayes, L. Martin, Cromer, Fair, Alexander, O'Dell, Peeler, Gregory, Courson, Malloy, Lourie and Rankin**

#### **Summary:** Lobbyist and Lobbying

A BILL TO ESTABLISH THE "2013 ETHICS REFORM ACT", BY AMENDING CHAPTER 17, TITLE 2, SOUTH CAROLINA CODE OF LAWS, 1976, RELATING TO LOBBYISTS AND LOBBYING, SO AS TO REQUIRE THAT A LOBBYIST AND LOBBYIST PRINCIPAL PAY A TWO HUNDRED DOLLAR REGISTRATION FEE, AND THAT LOBBYISTS AND LOBBYIST PRINCIPALS' REPORTS ARE DUE BY JANUARY TENTH AND JULY TENTH; TO AMEND ARTICLE 1, CHAPTER 13, TITLE 8, RELATING TO GENERAL PROVISIONS CONCERNING ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM, BY AMENDING THE DEFINITION OF "ECONOMIC INTEREST", ADDING A DEFINITION FOR "ELECTED OFFICIAL"; TO AMEND SECTION 8-13-130, RELATING TO AN ADMINISTRATIVE FEE FOR PERSONS VIOLATING THE ACT, SO AS TO PROVIDE FOR THE APPROPRIATE ETHICS COMMITTEE TO LEVY AN ENFORCEMENT OR ADMINISTRATIVE FEE; TO AMEND SECTION 8-13-320, RELATING TO THE DUTIES OF THE STATE ETHICS COMMISSION, SO AS TO PROVIDE WHICH DOCUMENTS MUST BE RELEASED FOLLOWING A FINDING OF PROBABLE CAUSE; TO AMEND SECTION 8-13-360, RELATING TO PUBLIC INSPECTION OF REPORTS FILED WITH THE COMMISSION, SO AS TO PROVIDE THAT THE COMMISSION MUST MAKE FILED STATEMENTS AND REPORTS ELECTRONICALLY ACCESSIBLE TO THE PUBLIC; TO AMEND SECTION 8-13-365, RELATING TO PUBLIC ACCESSIBILITY TO THE ELECTRONIC FILING SYSTEM, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 8-13-510, RELATING TO THE LEGISLATIVE ETHICS COMMITTEES, SO AS TO PROVIDE THAT THE RESPECTIVE HOUSE OF REPRESENTATIVES AND SENATE ETHICS COMMITTEES WILL BE GOVERNED ACCORDING TO THE APPROPRIATE LEGISLATIVE BODY'S RULES AND STATUTES; TO AMEND SECTION 8-13-530, RELATING TO DUTIES OF THE HOUSE AND SENATE ETHICS COMMITTEES, TO PROVIDE THAT IF A PERSON ALLEGES MISCONDUCT OF CHAPTER 13, TITLE 8, RULE OR CHAPTER 27, TITLE 2, BY A CANDIDATE FOR THE HOUSE OR SENATE WITHIN FIFTY DAYS BEFORE AN ELECTION, THE PERSON MAY PETITION THE COURT OF COMMON PLEAS; TO ADD SECTION 8-13-535, SO AS TO PROVIDE THE LEGISLATIVE ETHICS COMMITTEES MAY COMPEL BY SUBPOENA; TO AMEND SECTION 8-13-540, RELATING TO CONDUCT OF ETHICS COMMITTEE INVESTIGATIONS AND HEARINGS, SO AS TO PROVIDE THAT INVESTIGATIONS ARE CONFIDENTIAL UNTIL A FINDING OF PROBABLE CAUSE; TO AMEND SECTION 8-13-550, RELATING TO CONSIDERATION OF A LEGISLATIVE ETHICS COMMITTEE REPORT, SO AS TO PROVIDE THE SPEAKER OR PRESIDENT PRO TEMPORE SHALL CALL OPEN SESSION UPON RECOMMENDATION OF EXPULSION OR AN APPEAL; TO AMEND SECTION 8-13-560, RELATING TO SUSPENSION, REMOVAL, OR REINSTATEMENT OF A MEMBER, SO AS TO PROVIDE THAT THE SPEAKER OR PRESIDENT PRO TEMPORE SHALL CONTINUE THE SUSPENSION OF A LEGISLATOR WHO WAS REELECTED WHILE SUSPENDED; TO AMEND SECTION 8-13-710, RELATING TO REPORTING OF PARTICULAR GIFTS RECEIVED BY PUBLIC EMPLOYEE, OFFICIAL, OR MEMBER ON STATEMENT OF ECONOMIC INTERESTS, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 8-13-750, RELATING TO EMPLOYMENT, PROMOTION, ADVANCEMENT, OR DISCIPLINE OF FAMILY MEMBER OF PUBLIC OFFICIAL, MEMBER, OR EMPLOYEE, SO AS TO PROVIDE THAT 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 WITHIN THE PUBLIC OFFICIAL'S, PUBLIC MEMBER'S OR PUBLIC EMPLOYEE'S OFFICIAL RESPONSIBILITY; TO AMEND SECTION 8-13-760, RELATING TO EMPLOYMENT BY A GOVERNMENT CONTRACTOR OF FORMER PUBLIC OFFICIAL, MEMBER, OR EMPLOYEE WHO WAS ENGAGED IN PROCUREMENT, SO AS TO PROVIDE A PUBLIC OFFICIAL, MEMBER, OR EMPLOYEE DIRECTLY PARTICIPATING IN PROCUREMENT MAY NOT ACCEPT EMPLOYMENT WITH A PERSON AWARDED THE CONTRACT FOR THE DURATION OF THE CONTRACT; TO AMEND SECTION 8-13-775, RELATING TO THE PROHIBITION OF ECONOMIC INTERESTS IN CONTRACT, SO AS TO PROVIDE A PUBLIC OFFICIAL, PUBLIC MEMBER OR PUBLIC EMPLOYEE MAY NOT AWARD A CONTRACT NOR PARTICIPATE IN ANY DISCUSSION CONCERNING A BUSINESS OR INDIVIDUAL WITH WHICH HE OR A MEMBER OF HIS IMMEDIATE FAMILY IS ASSOCIATED; TO AMEND SECTION 8-13-780, RELATING TO REMEDIES FOR BREACHES OF ETHICAL STANDARDS BY PUBLIC OFFICIALS, MEMBERS, OR EMPLOYEES, SO AS TO PERMIT ETHICS COMMITTEES TO ISSUE WRITTEN WARNINGS AND DELETE THE OPTION OF ISSUING AN ORAL WARNING; TO AMEND SECTION 8-13-790, SO AS TO REQUIRE THE RECOVERY OF THE VALUE OF ANYTHING TRANSFERRED IN VIOLATION OF ETHICAL STANDARDS; TO AMEND ARTICLE 11, CHAPTER 13, TITLE 8, RELATING TO DISCLOSURE OF ECONOMIC INTERESTS; TO AMEND SECTION 8-13-1110, RELATING TO PERSONS REQUIRED TO FILE STATEMENT OF ECONOMIC INTERESTS, SO AS TO REQUIRE THAT A FILING CONFORM WITH THE PROVISIONS OF SECTION 8-13-365; BY AMENDING SECTION 8-13-1120, SO AS TO REQUIRE

ADDITIONAL INCOME DISCLOSURE; TO AMEND SECTION 8-13-1130, RELATING TO REPORT ON NAMES OF, AND PURCHASES BY, LOBBYISTS, SO AS TO REQUIRE REPORTING ON EMPLOYMENT; TO AMEND SECTION 8-13-1140, RELATING TO FILING OF AN UPDATED STATEMENT, SO AS TO REQUIRE A STATEMENT OF ECONOMIC INTERESTS TO BE FILED BY MARCH THIRTIETH; BY ADDING SECTION 8-13-1145, SO AS TO REQUIRE THE APPROPRIATE SUPERVISORY OFFICE TO SEND ELECTRONIC NOTICE OF OBLIGATION TO REPORT; TO AMEND SECTION 8-13-1150, REGARDING A CONSULTANT FILING A STATEMENT; TO AMEND SECTION 8-13-1170, RELATING TO TECHNICAL VIOLATIONS OF DISCLOSURE REQUIREMENTS AND EXTENSIONS OF TIME FOR FILING STATEMENTS, SO AS TO ELIMINATE THE CONFIDENTIALITY OF TECHNICAL VIOLATIONS; TO AMEND ARTICLE 13, CHAPTER 13, TITLE 8, RELATING TO CAMPAIGN PRACTICES DEFINITIONS, SO AS TO MAKE CONFORMING CHANGES IN THE DEFINITIONS OF "BUSINESS", "COMMITTEE", "CONTRIBUTION", "INDEPENDENT EXPENDITURE", "NONCANDIDATE COMMITTEE", "INFLUENCE THE OUTCOME OF AN ELECTIVE OFFICE", "BALLOT MEASURE COMMITTEE", AND TO ADD "PUBLIC MEMBER", "ELECTIONEERING COMMUNICATION", AND "INDEPENDENT EXPENDITURE-ONLY COMMITTEE"; TO AMEND SECTIONS 8-13-1308 AND 8-13-1309, RELATING TO FILING OF CERTIFIED CAMPAIGN REPORTS, SO AS TO REQUIRE THAT FILING CONFORM WITH THE PROVISIONS OF SECTION 8-13-365; TO ADD SECTION 8-13-1311 REGARDING FILINGS BY AN INDEPENDENT EXPENDITURE-ONLY COMMITTEE; TO AMEND SECTION 8-13-1312, RELATING TO CAMPAIGN BANK ACCOUNTS, SO AS TO MAKE A TECHNICAL CHANGE; TO ADD SECTION 8-13-1313 REGARDING A FILING FOR A PERSON WHO IS NOT A COMMITTEE AND MAKES AN INDEPENDENT EXPENDITURE OF FIVE HUNDRED DOLLARS IN A YEAR OR AN ELECTIONEERING COMMUNICATION; TO AMEND SECTION 8-13-1318, RELATING TO ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBT, LIMITS, REPORTING REQUIREMENTS, SO AS TO REQUIRE A CONTRIBUTION TO RETIRE CAMPAIGN DEBT TO BE UTILIZED FOR THAT PURPOSE; TO AMEND SECTION 8-13-1320, RELATING TO CONTRIBUTIONS WITHIN SPECIFIED PERIOD AFTER PRIMARY, SPECIAL, OR GENERAL ELECTION ATTRIBUTED TO THAT PRIMARY OR ELECTION, SO AS TO ATTRIBUTE CONTRIBUTIONS AFTER A PRIMARY; TO AMEND SECTION 8-13-1322 RELATING TO CONTRIBUTION LIMITS, TO EXCLUDE INDEPENDENT EXPENDITURE-ONLY COMMITTEES REGISTERED WITH THE STATE ETHICS COMMISSION; TO AMEND 8-13-1328, RELATING TO LIMITS ON REPAYMENT OF LOANS FROM CANDIDATE OR FAMILY MEMBERS TO CAMPAIGN, SO AS TO DELETE THE REFERENCE TO A CANDIDATE'S FAMILY MEMBER; TO ADD SECTION 8-13-1337, SO AS TO PROVIDE AN ELECTIVE OFFICIAL OR THE ELECTIVE OFFICIAL'S AGENT MAY NOT KNOWINGLY SOLICIT A CONTRIBUTION FROM AN EMPLOYEE IN THE ELECTIVE OFFICIAL'S AREA OF OFFICIAL RESPONSIBILITY; TO ADD SECTION 8-13-1339 TO PROHIBIT A POLITICAL ACTION COMMITTEE ORGANIZED ON OR BEHALF OF THE GOVERNOR, LIEUTENANT GOVERNOR, ANY STATEWIDE CONSTITUTIONAL OFFICER, A MEMBER OF THE GENERAL ASSEMBLY, PUBLIC OFFICIAL OF A COUNTY OR MUNICIPALITY, OR A DIRECTOR OR DEPUTY DIRECTOR OF A STATE DEPARTMENT APPOINTED BY THE GOVERNOR; TO AMEND SECTION 8-13-1340, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER, SO AS TO INCLUDE FEDERAL CANDIDATES AND TO MAKE CONFORMING CHANGES; TO AMEND SECTION 8-13-1344, RELATING TO CONTRIBUTIONS BY PUBLIC UTILITIES, SO AS TO PROHIBIT A CANDIDATE, COMMITTEE OR POLITICAL PARTY FROM OFFERING CONSIDERATION FOR AN ENDORSEMENT; TO AMEND SECTION 8-13-1352, RELATING TO CONTRIBUTIONS, SO AS TO MAKE TECHNICAL CHANGES; TO AMEND SECTION 8-13-1356 RELATING TO THE FILING OF STATEMENT OF ECONOMIC INTERESTS BY CANDIDATES, SO AS TO PROVIDE FOR ELECTRONIC FILING AND THE TIME IN WHICH CANDIDATES MUST FILE; TO AMEND SECTION 8-13-1360, RELATING TO CONTRIBUTION AND EXPENDITURE REPORTING, SO AS TO CONFORM WITH THE PROVISIONS OF SECTION 8-13-365; TO AMEND SECTION 8-13-1364, RELATING TO NOTIFICATION, SO AS TO PROVIDE THAT AN ELECTRONIC NOTICE OF OBLIGATION TO REPORT NO LESS THAN THIRTY DAYS BEFORE THE FILING DATE FOR EACH REPORTING PERIOD TO THE E-MAIL ADDRESS PROVIDED BY THE CANDIDATE OR COMMITTEE; TO AMEND SECTION 8-13-1372, RELATING TO ERRORS AND OMISSIONS, SO AS TO DELETE THE PROVISION THAT TECHNICAL VIOLATIONS MUST REMAIN CONFIDENTIAL UNLESS REQUESTED TO BE MADE PUBLIC BY THE CANDIDATE FILING THE REPORT; AND TO REPEAL SECTIONS 8-13-520, 8-13-1160, 8-13-1180, 8-13-1310, 8-13-1350, 8-13-1358, 8-13-1362, AND 8-13-1366.

**02/06/13 Senate Introduced and read first time (Senate Journal-page 8)**

**02/06/13 Senate Referred to Committee on Judiciary (Senate Journal-page 8)**

**02/07/13 Senate Referred to Subcommittee: Rankin (ch), Hutto, Malloy, Campsen, Massey**