**South Carolina General Assembly**

119th Session, 2011-2012

**S. 306**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Rose

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Introduced in the Senate on January 11, 2011

Currently residing in the Senate Committee on **Judiciary**

Summary: State Ethics Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2010 Senate Prefiled

12/15/2010 Senate Referred to Committee on **Judiciary**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 137](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 137](file:///h:\sj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/15/2010](file:///p:\pprever\2011-12\306_20101215.docx)

**A** **BILL**

TO AMEND SECTION 8‑13‑310 OF THE 1976 CODE, RELATING TO THE STATE ETHICS COMMISSION, TO PROVIDE THAT THE STATE ETHICS COMMISSION SHALL BE COMPOSED OF EIGHT MEMBERS, AND TO PROVIDE FOR THE APPOINTMENT AND INITIAL TERMS OF THE MEMBERS; AND TO REPEAL SECTIONS 8‑13‑530, 8‑13‑540, AND 8‑13‑550, RELATING TO THE ETHICS COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

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

SECTION 1. Section 8‑13‑310 of the 1976 Code is 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 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 7 of Title 2’.

(B) There is created the State Ethics Commission composed of ~~nine~~ eight members appointed as follows: four members appointed by the Governor, upon the advice and consent of the General Assembly, two members appointed by the President Pro Tempore of the Senate, and two members appointed by the Speaker of the House of Representatives. ~~One member shall represent each of the six congressional districts, and three members must be appointed from the State at large.~~ No member of the General Assembly or other public official shall be eligible to serve on the State Ethics Commission. The ~~Governor shall make the~~ appointments shall be 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) Seats one through Four are appointed by the Governor, seats five and six are appointed by the Speaker of the House of Representatives, and seats seven and eight are appointed by the President Pro Tempore. The initial terms shall be as follows:

(1) seats one and five shall have an initial term of one year; (2) seats two and seven shall have an initial term of two years;

(3) seats three and six shall have an initial term of three years;

(4) seats four and eight shall have an initial term of four years.

Appointments made after the expiration of the initial term shall be for the term provided in subsection (C).

(E) 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 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.”

SECTION 2. The first paragraph of Section 8‑13‑320(9) of the 1976 Code is 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.”

SECTION 3. Members of the State Ethics Commission serving on the effective date of this act shall continue to serve until all the members of the reconstituted commission qualify, after which the terms end and the new members take office.

SECTION 4. Sections 8‑13‑530, 8‑13‑540, and 8‑13‑550 of the 1976 Code are repealed.

SECTION 5. This act takes effect upon approval by the Governor.

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