**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4673**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. H.B. Brown

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Introduced in the House on January 25, 2012

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

Summary: Reporting of gifts by public officials

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/25/2012 House Introduced and read first time ([House Journal‑page 9](file:///h:\hj%20archive\2012\01-25-12.docx))

1/25/2012 House Referred to Committee on **Judiciary** ([House Journal‑page 9](file:///h:\hj%20archive\2012\01-25-12.docx))

**VERSIONS OF THIS BILL**

[1/25/2012](file:///p:\pprever\2011-12\4673_20120125.docx)

**A** **BILL**

TO AMEND SECTION 8‑13‑710, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REPORTING PARTICULAR GIFTS RECEIVED BY A PUBLIC OFFICIAL OR MEMBER ON THE STATEMENT OF ECONOMIC INTERESTS, SO AS TO REQUIRE THE REPORTING OF FREE PRIVATE AIR TRANSPORTATION; TO AMEND SECTION 8‑13‑755, RELATING TO THE RESTRICTIONS ON FORMER PUBLIC OFFICIALS, MEMBERS, OR EMPLOYEES SERVING AS A LOBBYIST OR ACCEPTING EMPLOYMENT IN A FIELD OF FORMER SERVICE, SO AS INCREASE THE DURATIONAL LIMITATION FROM ONE TO THREE YEARS; TO AMEND SECTION 8‑13‑1332, AS AMENDED, RELATING TO UNLAWFUL CONTRIBUTIONS AND EXPENDITURES, SO AS TO PROHIBIT CONTRIBUTIONS FROM APPOINTED PUBLIC OFFICIALS AND PUBLIC MEMBERS TO CERTAIN ELECTED OFFICIALS; AND TO AMEND SECTION 8‑13‑1510, AS AMENDED, RELATING TO THE PENALTY FOR LATE FILING OF, OR FAILURE TO FILE A REPORT OR STATEMENT, SO AS TO INCREASE THE APPLICABLE DAILY AND MAXIMUM CIVIL PENALTIES.

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

SECTION 1. Section 8‑13‑710(B) of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“(B) A public official, public member, or public employee required to file a statement of economic interests under Section 8‑13‑1110 who receives, accepts, or takes, directly or indirectly, from a person, free private air transportation, or anything of value worth twenty‑five dollars or more in a day and anything of value worth two hundred dollars or more in the aggregate in a calendar year must report on his statement of economic interests pursuant to Section 8‑13‑1120 the thing of value from:

(1) a person, if there is reason to believe the donor would not give the thing of value but for the public official’s, public member’s, or public employee’s candidacy, office, or position;

(2) a person, or from an officer or director of a person, if the public official, public member, or public employee has reason to believe the person:

(a) has or is seeking to obtain contractual or other business or financial relationships with the public official’s, public member’s, or public employee’s governmental entity;

(b) conducts operations or activities ~~which~~that are regulated by the public official’s, public member’s, or public employee’s governmental entity.”

SECTION 2. Section 8‑13‑755 of the 1976 Code, as added by Act 248 of 1991, is amended to read:

“Section 8‑13‑755. A former public official, former public member, or former public employee holding public office, membership, or employment on or after January 1, 1992, may not for a period of ~~one year~~three years 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~~that 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 3. Section 8‑13‑1332 of the 1976 Code, as last amended by Act 76 of 2003, is further amended to read:

“Section 8‑13‑1332. It is unlawful for:

(1) a committee or ballot measure committee to make a contribution or expenditure by using:

(a) anything of value secured by physical force, job discrimination, financial reprisals, or threat of the same;

(b) dues, fees, or other monies required as a condition of membership in a labor organization, or as a condition of employment; or

(c) monies obtained by the committee or the ballot measure committee in a commercial transaction;

(2) a person to solicit an employee for a contribution and fail to inform the employee of the political purposes of the committee or ballot measure committee and of the employee’s right to refuse to contribute without ~~any~~an advantage or promise of an advantage conditioned upon making the contribution or reprisal or threat of reprisal related to the failure to make the contribution;

(3) a corporation or committee of a corporation to solicit contributions to the corporation or committee from a person other than its shareholders, directors, executive or administrative personnel, and their families, except as provided in Section 8‑13‑1333; or

(4) an appointed public official or public member, during a term of office or for one year after its expiration, to make a campaign contribution to or on behalf of:

(a) a member of the General Assembly;

(b) the Governor;

(c) the Lieutenant Governor; or

(d) another statewide constitutional officer.”

SECTION 4. Section 8‑13‑1510(A) of the 1976 Code, as last amended by Act 40 of 2011, is further amended to read:

“(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~~three 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~~thirty dollars per calendar day for the first ten days after notice has been given, and ~~one~~three hundred dollars for each additional calendar day in which the required statement or report is not filed, not exceeding ~~five~~ten thousand dollars.”

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

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