

## Session 121 - (2015-2016)

**H 3722 General Bill, By Lucas, Bingham, Pope, McEachern, Ballentine, Simrill, Funderburk, G.M. Smith, W.J. McLeod, Yow, Knight, Johnson, Clyburn, Duckworth, Clemmons, Stavrinakis, Norrell, M.S. McLeod, Quinn, Southard, Corley, Alexander, Allison, Anderson, Anthony, Bales, Bamberg, Bannister, Bedingfield, Bernstein, Bowers, Bradley, G.A. Brown, R.L. Brown, Burns, Chumley, Clary, Cole, Collins, Crosby, Daning, Delleney, Dillard, Douglas, Erickson, Felder, Finlay, Forrester, Gagnon, Gambrell, George, Gilliard, Goldfinch, Hamilton, Hardee, Hardwick, Hart, Hayes, Henderson, Henegan, Herbkersman, Hicks, Hiott, Hixon, Hodges, Horne, Hosey, Howard, Huggins, Jefferson, Kennedy, King, Kirby, Limehouse, Loftis, Long, Lowe, Mack, McKnight, Merrill, Mitchell, D.C. Moss, Murphy, Nanney, Neal, Newton, Norman, Ott, Parks, Pitts, Putnam, Ridgeway, Riley, Rivers, Robinson-Simpson, Rutherford, Sandifer, G.R. Smith, J.E. Smith, Sottile, Spires, Stringer, Tallon, Taylor, Thayer, Tinkler, Toole, Weeks, Wells, Whipper, White, Williams, Willis, Govan, Whitmire, H.A. Crawford and Brannon**

***Similar (S 0001, S 0014, S 0074, H 3184, H 3185)***

**Summary:** State Ethics Commission

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 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 AMEND SECTION 8-13-350, RELATING TO THE ETHICS BROCHURE PROVIDED TO PUBLIC OFFICIALS, PUBLIC MEMBERS, AND PUBLIC EMPLOYEES, SO AS TO DIRECT THE STATE ETHICS COMMISSION TO UPDATE THE BROCHURE'S CONTENTS AND REQUIRE DOCUMENTATION OF ITS RECEIPT BY DESIGNATED INDIVIDUALS; 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 CREATE A COMMISSION ON JUDICIAL CONDUCT, AND TO PROVIDE FOR ITS JURISDICTION, COMPOSITION, POWERS, DUTIES, AND RESPONSIBILITIES; BY ADDING CHAPTER 28 TO TITLE 16 ENTITLED "ETHICS, CRIMINAL PENALTIES" SO AS TO INCORPORATE BY REFERENCE THE DEFINITIONS CONTAINED IN SECTIONS 8-13-100 AND 8-13-1300, TO MOVE CERTAIN LANGUAGE RELATING TO ETHICS VIOLATIONS AND CRIMINAL PENALTIES FOR A VIOLATION, AND TO CREATE SIMILAR OFFENSES CONTAINED IN CHAPTER 28, TITLE 16 WITH REVISIONS; TO AMEND SECTION 8-13-780, AS AMENDED, RELATING TO REMEDIES FOR BREACHES OF ETHICAL STANDARDS BY PUBLIC OFFICIALS, MEMBERS, OR EMPLOYEES, SO AS TO REVISE AND EXPAND THE REMEDIES FOR A BREACH OF CERTAIN ETHICAL STANDARDS; TO AMEND SECTION 8-13-790, AS AMENDED, RELATING TO RECOVERY OF AMOUNTS RECEIVED BY OFFICIALS OR EMPLOYEES IN BREACH OF ETHIC STANDARDS, SO AS TO DELETE THE REFERENCE TO REGULATIONS; TO AMEND SECTION 8-13-1510, AS AMENDED, RELATING TO CIVIL AND CRIMINAL PENALTIES FOR THE LATE FILING OF OR FAILURE TO FILE A REQUIRED ETHICS REPORT OR STATEMENT, SO AS TO DELETE THE CRIMINAL PENALTIES AFTER THE MAXIMUM CIVIL PENALTY HAS BEEN LEVIED; BY ADDING SECTION 8-13-1515 SO AS TO CREATE THE NEW OFFENSE OF WILFUL FAILURE TO FILE A REQUIRED STATEMENT OR REPORT IN AN EFFORT TO CONCEAL A VIOLATION OF THE ETHICS CHAPTER AND TO PROVIDE A PENALTY; TO AMEND SECTION 8-13-1520, AS AMENDED, RELATING TO VIOLATIONS OF CHAPTER 13, TITLE 8, SO AS TO MAKE PROVISIONS FOR WILFUL VIOLATIONS; BY ADDING SECTION 8-13-1525 SO AS TO REVISE AND EXPAND THE

REMEDIES FOR A VIOLATION OF CERTAIN ETHICAL STANDARDS; TO AMEND SECTION 8-13-320, AS AMENDED, RELATING TO THE DUTIES, POWERS, AND PROCEDURES OF THE STATE ETHICS COMMISSION, SO AS TO PROVIDE FOR THE ASSESSMENT OF CIVIL PENALTIES; TO AMEND SECTION 2-17-140, RELATING TO THE PENALTIES FOR WILFULLY FILING A GROUNDLESS COMPLAINT, SO AS TO PROVIDE THAT A CIVIL PENALTY MAY BE ASSESSED IN ADDITION TO A CRIMINAL PENALTY; TO AMEND SECTION 8-13-1120, AS AMENDED, RELATING TO CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS, SO AS TO REVISE THE FORM AND REQUIRED CONTENTS OF STATEMENTS OF ECONOMIC INTERESTS; TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO DEFINITIONS PERTAINING TO CAMPAIGN PRACTICES, SO AS TO REVISE CERTAIN DEFINITIONS; TO AMEND SECTION 8-13-1314, AS AMENDED, RELATING TO CAMPAIGN CONTRIBUTION LIMITS AND RESTRICTIONS, SO AS TO PROHIBIT CONTRIBUTIONS FROM CERTAIN NONCANDIDATE COMMITTEES; TO AMEND SECTION 8-13-1340, AS AMENDED, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE TO ANOTHER AND COMMITTEES ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A CANDIDATE, SO AS TO DELETE THE CONTRIBUTION RESTRICTION EXCEPTION FOR CERTAIN TYPES OF COMMITTEES; BY ADDING SECTION 8-13-1313 SO AS TO REQUIRE A PERSON WHO IS NOT A COMMITTEE AND WHO MAKES AN INDEPENDENT EXPENDITURE IN AN AGGREGATE AMOUNT OR VALUE IN EXCESS OF FIVE HUNDRED DOLLARS DURING A CALENDAR YEAR OR MAKES AN ELECTIONEERING COMMUNICATION TO FILE A REPORT OF SUCH EXPENDITURE OR COMMUNICATION WITH THE STATE ETHICS COMMISSION; TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO DEFINITIONS PERTAINING TO CAMPAIGN PRACTICES, SO AS TO DEFINE "ELECTIONEERING COMMUNICATION"; TO AMEND SECTION 8-13-1320, 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; TO AMEND SECTION 8-13-100, AS AMENDED, RELATING TO THE DEFINITIONS OF "CANDIDATE" FOR PURPOSES OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT, SO AS TO SPECIFY THAT A "CANDIDATE" IS ALSO A PERSON THAT MAINTAINS AN OPEN BANK ACCOUNT CONTAINING CONTRIBUTIONS; TO AMEND SECTION 8-13-1300, AS AMENDED, RELATING TO THE DEFINITIONS OF "CANDIDATE" FOR PURPOSES OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT, SO AS TO SPECIFY THAT A "CANDIDATE" IS ALSO A PERSON THAT MAINTAINS AN OPEN BANK ACCOUNT CONTAINING CONTRIBUTIONS; TO AMEND SECTION 8-13-1302, AS AMENDED, RELATING TO THE MAINTENANCE OF RECORDS OF CONTRIBUTIONS, SO AS TO AUTHORIZE THE APPROPRIATE SUPERVISORY OFFICE TO REQUEST IN WRITING THE DISCLOSURE OF CERTAIN MANDATORY RECORDS FOR THE PURPOSE OF VERIFYING CAMPAIGN DISCLOSURE FORMS; TO AMEND SECTION 2-17-90, RELATING TO ACTS PROHIBITED OF LOBBYISTS' PRINCIPALS, SO AS TO DELETE THE SPECIFIC AUTHORIZATION FOR AMERICAN LEGISLATIVE EXCHANGE COUNCIL CONVENTIONS AND CONFERENCES; TO AMEND SECTION 8-13-1348, AS AMENDED, RELATING TO THE USE OF CAMPAIGN FUNDS FOR PERSONAL EXPENSES, SO AS TO CLARIFY THE TYPE OF PROHIBITED EXPENSES; TO AMEND SECTION 8-13-1308, AS AMENDED, 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; TO AMEND SECTION 8-13-1318, RELATING TO THE ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBT, SO AS TO REQUIRE THAT CONTRIBUTIONS RECEIVED PURSUANT TO THIS SECTION MUST BE USED FOR THE SOLE PURPOSE OF RETIRING CAMPAIGN DEBT; 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 INSTITUTION OF HIGHER EDUCATION RETAINS SOME ROYALTY RIGHTS TO THE INTELLECTUAL PROPERTY; BY ADDING SECTION 8-27-05 SO AS TO ENTITLE CHAPTER 27 THE "SOUTH CAROLINA WHISTLEBLOWER AND PUBLIC EMPLOYEE PROTECTION ACT"; TO AMEND SECTION 8-27-20, AS AMENDED, RELATING TO REWARDS FOR REPORTS RESULTING IN SAVINGS, SO AS TO ELIMINATE THE TWO THOUSAND DOLLAR CAP ON REWARDS; TO AMEND SECTION 8-27-30, AS AMENDED, RELATING TO CIVIL ACTIONS AGAINST AN EMPLOYING PUBLIC BODY FOR RETALIATION AGAINST AN EMPLOYEE WHO REPORTS A VIOLATION OF STATE OR FEDERAL LAW OR REGULATION, SO AS TO REMOVE THE ONE-YEAR LIMITATION ON THE PERIOD DURING WHICH THE EMPLOYEE IS PROTECTED FROM ADVERSE EMPLOYMENT ACTIONS, AND TO PROVIDE FOR ADDITIONAL

REMEDIES; AND TO REPEAL SECTIONS 8-13-705, 8-13-720, 8-13-725, 8-13-750, 8-13-755, AND 8-13-760 ALL RELATING TO ETHICS RULES OF CONDUCT.

|                 |               |  |
|-----------------|---------------|--|
| <b>02/25/15</b> | <b>House</b>  | <b>Introduced, read first time, placed on calendar without reference (House Journal-page 11)</b> |
| <b>02/25/15</b> | <b>House</b>  | <b>Member(s) request name added as sponsor: Govan</b>  |
| <b>03/03/15</b> | <b>House</b>  | <b>Member(s) request name added as sponsor: Whitmire, H.A.Crawford, Brannon</b>                  |
| <b>03/04/15</b> | <b>House</b>  | <b>Amended (House Journal-page 22)</b>   |
| <b>03/04/15</b> | <b>House</b>  | <b>Read second time (House Journal-page 22)</b>  |
| <b>03/04/15</b> | <b>House</b>  | <b>Roll call Yeas-108 Nays-1 (House Journal-page 28)</b>   |
| <b>03/05/15</b> | <b>House</b>  | <b>Read third time and sent to Senate (House Journal-page 13)</b>                                |
| <b>03/05/15</b> | <b>Senate</b> | <b>Introduced and read first time (Senate Journal-page 14)</b>                                   |
| <b>03/05/15</b> | <b>Senate</b> | <b>Referred to Committee on Judiciary (Senate Journal-page 14)</b>                               |
| <b>03/11/15</b> | <b>Senate</b> | <b>Committee report: Favorable with amendment Judiciary (Senate Journal-page 9)</b>              |