**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 4381**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pitts, Weeks, Dillard, Bernstein, Crawford, Delleney, King, D.C. Moss, G.M. Smith, Stavrinakis, Brown, Robinson‑Simpson and Clyburn

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Introduced in the House on January 9, 2018

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

Summary: Lobbyist and Lobbying

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/9/2017 House Prefiled

11/9/2017 House Referred to Committee on **Judiciary**

1/9/2018 House Introduced and read first time ([House Journal‑page 90](file:///h:\hj\20180109.docx))

1/9/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 90](file:///h:\hj\20180109.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4381&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[11/9/2017](file:///p:\pprever\2017-18\4381_20171109.docx)

**A** **BILL**

TO AMEND SECTION 2‑17‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS CONCERNING LOBBYISTS AND LOBBYING, SO AS TO PROVIDE THAT THE LEGISLATIVE ETHICS COMMITTEE OF THE SENATE OR HOUSE OF REPRESENTATIVES IS THE REGISTRATION AUTHORITY AND RECORDS CUSTODIAN FOR LEGISLATIVE SPECIAL INTEREST CAUCUSES; AND TO AMEND SECTION 8‑13‑530, AS AMENDED, RELATING TO THE POWERS AND DUTIES OF THE LEGISLATIVE ETHICS COMMITTEES, SO AS TO INCLUDE THE DUTY OF ASCERTAINING WHETHER A LEGISLATIVE SPECIAL INTEREST CAUCUS HAS COMPLIED FULLY AND ACCURATELY WITH THE APPLICABLE STATUTORY DISCLOSURE REQUIREMENTS, AND TO AUTHORIZE THE LEGISLATIVE ETHICS COMMITTEES TO IMPOSE A FINE FOR NONCOMPLIANCE.

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

SECTION 1. Section 2‑17‑10(21) of the 1976 Code, as added by Act 344 of 2006, is further amended to read:

“(21) ‘Legislative special interest caucus’ means two or more legislators who seek to be affiliated based upon a special interest. Under no circumstances may a legislative special interest caucus engage in any activity that would influence the outcome of an election or ballot measure. Each legislative special interest caucus must register with the ~~Clerk’s Office~~ Legislative Ethics Committee of the Senate or House of Representatives in a manner mandated by the ~~Clerk’s Office~~ Legislative Ethics Committee of the Senate or House of Representatives. However, each legislative special interest caucus must provide, and the ~~Clerk’s Office~~ Legislative Ethics Committee of the Senate or House of Representatives must maintain a record of:

(a) the name and purpose of the caucus;

(b) the names of all caucus members; ~~and~~

(c) a verified list of contributions and expenditures and a copy of the caucus bank account statements for the fiscal year filed until the legislative special interest caucus is dissolved;

(d) the date of creation, and dissolution, if applicable~~.~~; and

(e) the information required in subitems (a) through (d) of this item must be filed at the start of the new election cycle as defined in Section 8‑13‑1300(10).

The ~~Clerk’s Office~~ Legislative Ethics Committee of the Senate or House of Representatives must maintain these records for at least four years following the dissolution of the caucus. A legislative special interest caucus may include, but is not limited to, a representation of sportsmen and women desiring to enhance and protect hunting, fishing, and shooting sports. The Legislative Ethics Committee of the Senate or House of Representatives shall have enforcement authority pursuant to Section 8‑13‑530(9) if the legislative special interest caucus fails to properly file the caucus records with the applicable legislative ethics committee.”

SECTION 2. Section 8‑13‑530 of the 1976 Code, as last amended by Act 282 of 2016, 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, which may include, but is not limited to, an audit of filed reports and applicable campaign bank statements, and to 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 alleging a violation by a member or staff of the appropriate house, or a member or staff of a legislative caucus committee, or a candidate for the appropriate house, for a violation of this chapter or Chapter 17, Title 2, other than a violation of a rule of the appropriate house, the ethics committee shall refer the complaint to the State Ethics Commission for an investigation pursuant to Section 8‑13‑540;

(4) receive, investigate, and hear a complaint ~~which~~ that alleges a possible violation of a breach of a privilege or a rule governing a member or staff of the appropriate house or legislative caucus committee, or candidate for the appropriate house;

(5) a complaint may not be accepted by the ethics committee 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~~ a 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~~ a 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

(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;

(6) obtain information, investigate technical violation complaints, and hear complaints as provided in Section 8‑13‑540 with respect to ~~any~~ a complaint filed pursuant to this chapter or Chapter 17, 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;

(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~~

(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 may issue, upon request from a member or staff of the appropriate house, or legislative caucus committee, or candidate for the appropriate house, and publish advisory opinions on the requirements of these chapters~~.~~; and

(9) ascertain whether a legislative special interest caucus as defined in Section 2‑17‑10(21) has fully and accurately complied with the disclosure requirements pursuant to that section and the committee shall administer a fine of one hundred dollars for failing to comply with the disclosure requirements.”

SECTION 3. This act takes effect upon approval by the Governor.

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