

Session 121 - (2015-2016)

H 3227 General Bill, By W.J. McLeod, G.R. Smith and Cobb-Hunter

Summary: SC Commission on Ethics Enforcement and Disclosure

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 4 TO CHAPTER 13, TITLE 8 SO AS TO ESTABLISH THE SOUTH CAROLINA COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE 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, TO PROVIDE FOR THE MEMBERS' TERMS OF OFFICE AND MANNER OF THEIR REMOVAL UNDER CERTAIN CONDITIONS, TO PROVIDE THAT THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE SHALL ADMINISTER, SUPERVISE AND IF NECESSARY, INVESTIGATE THE ETHICAL CONDUCT AND ETHICS REQUIREMENTS IMPOSED BY LAW OR RULE ON MEMBERS OF THE GENERAL ASSEMBLY AND OTHERS NOW ADMINISTERED BY THE HOUSE OF REPRESENTATIVES AND SENATE ETHICS COMMITTEES, IMPOSED BY LAW ON PUBLIC OFFICIALS, PUBLIC MEMBERS, PUBLIC EMPLOYEES, AND OTHERS BY THE PROVISIONS OF CHAPTER 17, TITLE 2 AND CHAPTER 13, TITLE 8 NOW ADMINISTERED BY THE STATE ETHICS COMMISSION, AND IMPOSED BY LAW, RULE, AND THE CANNONS OF JUDICIAL CONDUCT ON JUDGES AND OTHER JUDICIAL OFFICIALS OF THE UNIFIED JUDICIAL SYSTEM NOW ADMINISTERED BY THE SUPREME COURT THROUGH ITS COMMISSION ON JUDICIAL CONDUCT, TO PROVIDE THAT THE PUNISHMENT OR SANCTIONS, IF ANY, FOR VIOLATIONS SHALL REMAIN WITH THE ETHICS COMMITTEES OF EACH HOUSE OF THE GENERAL ASSEMBLY, THE STATE ETHICS COMMISSION, AND THE SUPREME COURT THROUGH ITS COMMISSION ON JUDICIAL CONDUCT, RESPECTIVELY FOR THOSE PERSONS UNDER THEIR JURISDICTION, AND TO PROVIDE FOR THE PROCEDURES, DUTIES, AND FUNCTIONS OF THE COMMISSION ON ETHICS ENFORCEMENT AND DISCLOSURE NECESSARY TO DISCHARGE ITS RESPONSIBILITIES; TO AMEND ARTICLE 3, CHAPTER 13, TITLE 8, RELATING TO THE STATE ETHICS COMMISSION AND ITS DUTIES, POWERS, AND PROCEDURES, SO AS TO RECONSTITUTE THE MEMBERSHIP OF THE ETHICS COMMISSION AND ITS DUTIES, POWERS, AND PROCEDURES IN ORDER TO CONFORM THEM TO THE ABOVE PROVISIONS; TO AMEND ARTICLE 5, CHAPTER 13, TITLE 8, RELATING TO THE SENATE AND HOUSE OF REPRESENTATIVES ETHICS COMMITTEES, SO AS TO REVISE THE DUTIES, POWERS, AND PROCEDURES OF THESE COMMITTEES IN ORDER TO CONFORM THEM TO THE ABOVE PROVISIONS; TO AMEND SECTION 8-13-100, AS AMENDED, RELATING TO DEFINITIONS IN REGARD TO ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM, SO AS TO REVISE THE DEFINITIONS OF "CANDIDATE" AND "CONTRIBUTION"; TO AMEND SECTION 8-13-740, AS AMENDED, RELATING TO REPRESENTATION OF ANOTHER BY A PUBLIC OFFICIAL, PUBLIC MEMBER, OR PUBLIC EMPLOYEE BEFORE A GOVERNMENTAL ENTITY, SO AS TO PERMIT SUCH REPRESENTATION BY A MEMBER OF THE GENERAL ASSEMBLY OR AN INDIVIDUAL OR BUSINESS WITH WHICH HE IS ASSOCIATED IN A MATTER THAT MAY BECOME A CONTESTED CASE, AS WELL AS A MATTER THAT IS A CONTESTED CASE BEFORE CERTAIN ENTITIES; TO AMEND SECTION 8-13-745, RELATING TO PAID REPRESENTATION OF CLIENTS BY MEMBERS OF THE GENERAL ASSEMBLY OR THEIR ASSOCIATES AND CONTRACTING BY A MEMBER OF THE GENERAL ASSEMBLY, SO AS TO REVISE THE PROVISIONS OF THE SECTION PERTAINING TO PAID REPRESENTATION BY ASSOCIATES OF THE MEMBERS OF THE GENERAL ASSEMBLY, TO DELETE CERTAIN PROHIBITIONS AGAINST CONTRACTING, AND TO PROVIDE THAT A PUBLIC OFFICIAL, INCLUDING MEMBERS OF THE GENERAL ASSEMBLY, OR A PUBLIC EMPLOYEE, MAY NOT TAKE A VOTE ON OR TAKE AN ACTION ON A MATTER IN WHICH HE, AN IMMEDIATE FAMILY MEMBER, OR A BUSINESS WITH WHICH HE IS ASSOCIATED HAS A KNOWN FINANCIAL INTEREST; 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, OR CERTAIN 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; TO AMEND SECTION 8-13-780, RELATING TO REMEDIES FOR BREACHES OF ETHICAL STANDARDS, SO AS TO PROVIDE THAT THE ETHICS COMMISSION IN ADDITION TO ALL OTHER REMEDIES, MAY IMPOSE A WRITTEN BUT NOT AN ORAL WARNING FOR VIOLATIONS OF LAW BUT NOT REGULATIONS PROMULGATED THEREUNDER; 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 IN REGARD TO CAMPAIGN

PRACTICES, SO AS TO REVISE CERTAIN DEFINITIONS AND ADD CERTAIN DEFINITIONS; TO AMEND SECTION 8-13-1302, AS AMENDED, RELATING TO THE REQUIRED MAINTENANCE OF RECORDS OF CONTRIBUTIONS, CONTRIBUTORS, AND EXPENDITURES BY CANDIDATES AND COMMITTEES, SO AS TO REQUIRE CANDIDATES AND COMMITTEES, IF REQUESTED BY THEIR APPROPRIATE SUPERVISORY OFFICE, TO PRODUCE CERTAIN REQUIRED RECORDS TO THE SUPERVISORY OFFICE FOR THE PURPOSE OF VERIFYING CAMPAIGN REPORTS; TO AMEND SECTION 8-13-1308, AS AMENDED, RELATING TO CERTIFIED CAMPAIGN DISCLOSURE REPORTS, SO AS TO PROVIDE THAT TWO DAYS BEFORE AN ELECTION, A CERTIFIED CAMPAIGN REPORT MUST BE FILED 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 TWO DAYS BEFORE THE ELECTION; TO AMEND SECTION 8-13-1312, AS AMENDED, RELATING TO CAMPAIGN BANK ACCOUNTS, SO AS TO PROVIDE FOR THE MANNER IN WHICH CAMPAIGN EXPENSES MUST BE PAID; BY ADDING SECTION 8-13-1313 SO AS TO PROVIDE THAT A PERSON WHO IS NOT A PARTICULAR COMMITTEE REQUIRED TO FILE 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 MUST FILE A REPORT OF SUCH EXPENDITURE OR COMMUNICATION WITH THE STATE ETHICS COMMISSION ELECTRONICALLY, AND TO PROVIDE FOR THE CONTENTS OF THE REPORT; TO AMEND SECTION 8-13-1318, RELATING TO ACCEPTANCE OF CONTRIBUTIONS TO RETIRE CAMPAIGN DEBT, SO AS TO PROVIDE THAT IF A CANDIDATE ACCEPTS A CAMPAIGN CONTRIBUTION TO RETIRE A DEBT FROM A CAMPAIGN FOR AN ELECTIVE OFFICE, THE CONTRIBUTION MUST BE UTILIZED TO RETIRE THE DEBT; TO AMEND SECTION 8-13-1320, RELATING TO THE AUTHORIZATION OF CONTRIBUTIONS, SO AS TO FURTHER PROVIDE FOR THE MANNER IN WHICH CAMPAIGN CONTRIBUTIONS ARE ATTRIBUTED FOR THE PURPOSES OF APPLYING CONTRIBUTION LIMITS; TO AMEND SECTION 8-13-1338, RELATING TO PERSONS PROHIBITED FROM SOLICITING CONTRIBUTIONS, SO AS TO PROHIBIT SOLICITATIONS BY THE HEAD OF ANY STATE AGENCY OR DEPARTMENT WHO IS SELECTED BY THE GOVERNOR, GENERAL ASSEMBLY, OR AN APPOINTED OR ELECTED BOARD; TO AMEND SECTION 8-13-1340, RELATING TO RESTRICTIONS ON CONTRIBUTIONS BY ONE CANDIDATE OR PUBLIC OFFICIAL TO ANOTHER CANDIDATE OR RESTRICTIONS ON INDEPENDENT EXPENDITURES ON BEHALF OF ANOTHER CANDIDATE OR PUBLIC OFFICIAL, AND EXCEPTIONS TO THESE PROVISIONS, INCLUDING A PROVISION THAT THE ABOVE RESTRICTIONS DO NOT APPLY TO A COMMITTEE ESTABLISHED, FINANCED, MAINTAINED, OR CONTROLLED BY A CANDIDATE OR PUBLIC OFFICIAL UNDER CERTAIN CONDITIONS, SO AS TO DELETE THIS EXCEPTION FOR THOSE TYPES OF COMMITTEES; TO AMEND SECTION 8-13-1348, AS AMENDED, RELATING TO THE USE AND EXPENDITURE OF CAMPAIGN FUNDS AND THE PROHIBITION AGAINST THE USE OF CAMPAIGN FUNDS FOR PERSONAL USE OR EXPENSES, SO AS TO REVISE THE MANNER IN WHICH AND PROCEDURES AND CONDITIONS UNDER WHICH CAMPAIGN FUNDS MAY BE EXPENDED; AND TO ESTABLISH THE SOUTH CAROLINA ETHICS VIOLATIONS STUDY COMMITTEE TO EXAMINE AND ASSESS ALL OF THE GOVERNMENTAL ETHICS RULES, DIRECTIVES, AND VIOLATIONS CONTAINED IN CHAPTER 17, TITLE 2, AND ARTICLE 7, CHAPTER 13, TITLE 8, TO IDENTIFY AND RECOMMEND WHICH SPECIFIC ETHICS VIOLATIONS CONTAINED IN THE ABOVE REFERENCED PROVISIONS OF LAW SHOULD BE APPROPRIATELY DESIGNATED AS CRIMINAL VIOLATIONS AND WHICH SHOULD BE APPROPRIATELY DESIGNATED AS CIVIL VIOLATIONS, AND TO PROVIDE FOR THE MEMBERSHIP OF THE STUDY COMMITTEE AND THE DATE BY WHICH THE COMMITTEE'S REPORT MUST BE SUBMITTED.

12/18/14 House Prefiled

12/18/14 House Referred to Committee on Judiciary

01/13/15 House Introduced and read first time (House Journal-page 156)

01/13/15 House Referred to Committee on Judiciary (House Journal-page 156)