

## Session 110 - (1993-1994)

### **S 0416 (Rat #0212) General Bill, By McConnell and M.T. Rose**

A Bill to amend the Code of Laws of South Carolina, 1976, by adding Section 8-13-1125 so as to provide, among other things, that certain reporting requirements under Section 8-13-1120 on contents of statement of economic interests under Ethics, Government Accountability, and Campaign Reform do not apply to an event to which a member of the General Assembly is invited by a lobbyist's principal, regardless of whether or not the member attended the event, under certain conditions; to amend the 1976 Code by adding Section 8-13-1127 so as to provide that the House and Senate Invitations Committees shall keep an updated list of accepted invitations, and require the list to be available for public inspection during regular business hours; to amend Section 2-17-65, as amended, relating to review of reports, audits of lobbyists and lobbyists' principals, and notice to the Attorney General of failure to file required reports, so as to delete the notice provisions concerning the Attorney General and require the filing of a complaint against the offending person in accordance with certain provisions of Section 8-13-320; to amend Section 8-13-100, as amended, relating to definitions for purposes of Ethics, Government Accountability, and Campaign, so as to redefine "candidate" and "election", and define "state board, commission, or council"; to amend Section 8-13-320, as amended, relating to duties and powers of the State Ethics Commission, so as to, among other things, provide that any person charged with a violation of Chapter 13, Title 8, is entitled to the administrative hearing process contained in Section 8-13-320; to amend the 1976 Code by adding Section 8-13-325 so as to provide that the State Ethics Commission shall retain fees generated by the registration of lobbyists and lobbyists' principals to offset the costs associated with the administration and regulation of lobbyists and lobbyist's principals; to amend Section 8-13-740, as amended, relating to representation of another by a public official, member, or employee before a governmental entity, so as to reference an agency, unit, or subunit of a county or municipality, and an entity on the same level of government, for which the public official, public member, or public employee has official responsibility; to amend Section 8-13-775, as amended, relating to the provisions of law specifying that a public official, member, or employee with an official function related to contracts is not permitted to have an economic interest in the contracts, so as to provide that this Section does not prohibit the award of contracts awarded through a process of public notice and competitive bids if the public official, public member, or public employee has not performed an official function regarding the contract; to amend Section 8-13-1110, as amended, relating to persons required to file a statement of economic interests, so as to delete reference to "consultant"; to amend Section 8-13-1120, as amended, relating to the contents of the statement of economic interests, so as to, among other things, delete certain provisions, reference personal property, and include provisions wherein a creditor is subject to regulation by the filer or is seeking or has sought a business or financial arrangement with the filer's agency or department; to amend Section 8-13-1150, as amended, relating to the filing of a statement of economic interests by certain consultants, so as to delete reference to "statement of economic interests"; to amend Section 8-13-1160, as amended, relating to forwarding of copies of the statement of economic interests to the State Ethics Commission and the filing person's county of residence, so as to provide for the forwarding of the statement within five, rather than two, business days of receipt; to amend Section 8-13-1300, as amended, relating to definitions under "campaign practices", so as to provide that "candidate" also means a person on whose behalf write-in votes are solicited if the person has knowledge of such solicitation, and provide that "election" also means an election at which a ballot measure or referendum appears on the ballot; to amend Section 8-13-1310, as amended, relating to recipients of certified campaign reports and copies thereof and State Ethics Commission review, so as to provide for the forwarding of a copy of all campaign reports received by the State Ethics Commission to the State Election Commission and clerk of court in the county of residence of the person required to file within five, rather than two, days of receipt; to amend Section 8-13-1346, as amended, relating to the prohibition on the use of public funds, property, or time to influence an election and exceptions, so as to provide that this Section does not prohibit the expenditure of public resources by a public agency to prepare informational materials, conduct public meetings, or respond to news media or citizens' inquiries concerning a ballot measure affecting that public agency; to amend Section 8-13-1354, as amended, relating to identification of a person independently paying for an election-related communication and exceptions, so as to apply the Section to a candidate, committee, or other person, rather than "a person", and apply the Section to making an expenditure, rather than an "independent expenditure"; to amend Section 8-13-1356, as amended, relating to the filing of a statement of economic interests by candidates for public office, so as to delete certain language and provide that the official with whom the candidate files a declaration of candidacy or petition for nomination, no later than five business days after candidacy books close, must file a copy of the statement; to amend the 1976 Code by adding Section 8-13-1374 so as to provide that the failure to file certain reports or statements with the appropriate supervisory office is deemed to have occurred in Richland County; to repeal Section 2-17-70, relating to the laws on lobbyists and lobbying and investigation by the Attorney General of alleged failure to file any statement or report required by Chapter 17, Title 2; to amend Section 8-13-1160, as amended, relating to forwarding of copies of statement of economic interest to the State Ethics Commission and filing in the person's county of residence, so as to

change the time when the Senate Ethics Committee and the House of Representatives Ethics Committee must forward a copy of each statement filed with it to the State Ethics Commission from "within two business days of receipt" to "within five business days of receipt"; to amend Section 8-13-1308, as amended, relating to the filing of certified campaign reports by candidates and committees, so as to, among other things, delete certain language and provisions, and provide that following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election until the campaign account undergoes final disbursement pursuant to Section 8-13-1370; to amend Section 8-13-1310, as amended, relating to recipients of certified campaign reports and copies thereof and State Ethics Commission review, so as to provide that the Senate Ethics Committee and the House of Representatives Ethics Committee must forward a copy of each statement filed with it to the State Ethics Commission within five, rather than two, business days of receipt; to amend Section 8-13-320, as amended, relating to duties and powers of the State Ethics Commission, so as to allow the Commission to issue subpoenas for the procurement of witness and materials, including books, papers, records, documents, or other tangible objects relevant to the agency's investigation by approval of the Chairman, rather than by affirmative vote of a majority of the members of the Commission; to amend Section 2-17-90, as amended, relating to acts prohibited of lobbyists' principals, acts prohibited of public officials and employees, exceptions, and disclosure requirements, so as to provide that a public official or public employee may accept lodging, transportation, entertainment, food, meals, beverages, or an invitation to a function paid for by a lobbyist's principal if it is provided to the public official or public employee solely on the basis that the spouses of the public official or public employee is an official or employee of the providing lobbyist's principal and the spouse is receiving the lodging, transportation, entertainment, food, meals, beverages, or invitation purely incidental to the spouse's office or employment with the lobbyist's principal and the public official or public employee is receiving it only as the spouse of an official or employee of the providing lobbyist's principal; to amend Section 2-17-10, as amended, relating to definitions under the law of lobbyists and lobbying, so as to provide a definition for the term "official capacity"; to amend Section 2-17-100, as amended, relating to the prohibition on public officials and employees receiving compensation for speaking before audiences and exception and rules for payment of expenses, so as to delete certain provisions and provide, among other things, that a public official, public member, or a public employee acting in an official capacity may not receive anything of value from a lobbyist's principal for speaking before a public or private group, and that a public official, public member, or public employee is not prohibited by this Section from accepting a meal provided in conjunction with a speaking engagement where all participants are entitled to the same meal and the meal is of nominal value and incidental to the speaking engagement; to amend Section 8-13-100, as amended, relating to definitions for purposes of the law on Ethics, Government Accountability, and Campaign Reform, so as to provide a definition of "official capacity"; to amend Section 8-13-715, as amended, relating to speaking engagements of public officials, members, or employees, expense reimbursement, and authorization for reimbursement of out-of-state expenses, so as to delete certain language and provisions and provide, among other things, that a public official or public member is not prohibited by this Section from accepting a meal provided in conjunction with a speaking engagement where all participants are entitled to the same meal and the meal is of nominal value and incidental to the speaking engagement, and that any public official or public member shall disclose on his statement of economic interests the organization which paid for or reimbursed actual expenses, the amount of such payment or reimbursement, and the purpose, date, and location of the speaking engagement; to amend the 1976 Code by adding Section 8-13-717 so as to provide, among other things, that any public employee who accepts honoraria, compensation, or reimbursement of actual expenses for speaking to a public or private group shall disclose on his statement of economic interests the organization which provided the honoraria, compensation, or reimbursement, the amount of such payment or reimbursement, and the purpose, date, and location of the speaking engagement; and to provide that any changes in reporting requirements for statements of economic interests made by this Act shall apply only to transactions occurring on or after January 1, 1994.-amended title

<b>02/11/93</b>	<b>Senate</b>	<b>Introduced and read first time SJ-7</b>
<b>02/11/93</b>	<b>Senate</b>	<b>Referred to Committee on Judiciary SJ-7</b>
<b>03/03/93</b>	<b>Senate</b>	<b>Committee report: Favorable with amendment Judiciary SJ-12</b>
<b>03/04/93</b>	<b>Senate</b>	<b>Amended SJ-13</b>
<b>03/04/93</b>	<b>Senate</b>	<b>Read second time SJ-13</b>
<b>03/04/93</b>	<b>Senate</b>	<b>Ordered to third reading with notice of amendments SJ-13</b>
<b>03/18/93</b>	<b>Senate</b>	<b>Amended SJ-24</b>
<b>03/18/93</b>	<b>Senate</b>	<b>Read third time and sent to House SJ-24</b>
<b>03/23/93</b>	<b>House</b>	<b>Introduced and read first time HJ-15</b>
<b>03/23/93</b>	<b>House</b>	<b>Referred to Committee on Judiciary HJ-15</b>
<b>04/22/93</b>	<b>House</b>	<b>Committee report: Favorable with amendment Judiciary HJ-2</b>

04/29/93	House	Debate adjourned until Tuesday, May 4, 1993 HJ-24
05/04/93	House	Debate adjourned until Wednesday, May 5, 1993 HJ-23
05/05/93	House	Debate adjourned until Tuesday, May 11, 1993 HJ-17
05/11/93	House	Debate adjourned until Wednesday, May 12, 1993
05/11/93	House	Debate adjourned until Wednesday, May 12, 1993 HJ-14
05/12/93	House	Debate adjourned until Thursday, May 13, 1993
05/13/93	House	Amended HJ-16
05/13/93	House	Debate adjourned until Tuesday, May 18, 1993 HJ-25
05/18/93	House	Amended HJ-15
05/18/93	House	Read second time HJ-21
05/19/93	House	Read third time and returned to Senate with amendments HJ-31
05/25/93	Senate	House amendment amended SJ-13
05/25/93	Senate	Carried over SJ-16
05/26/93	Senate	Returned to House with amendments SJ-24
06/01/93	House	Concurred in Senate amendment and enrolled HJ-124
06/10/93		Ratified R 212
06/16/93		Vetoed by Governor
06/25/93	Senate	Veto sustained Yeas-019 SJ-7