

## Session 112 - (1997-1998)

### S\*0022 (Rat #0504, Act #0423 of 1998) General Bill, By Leatherman

A BILL TO AMEND SECTION 30-4-40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE INSPECTION OR COPYING OF PUBLIC RECORDS AND THE AVAILABILITY OF PUBLIC RECORDS UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO REVISE THE PROCEDURE FOR MAKING CERTAIN RECORDS AVAILABLE WHEN THE REQUESTOR APPEARS IN PERSON TO INSPECT OR COPY THE RECORDS; TO AMEND SECTION 30-4-40, AS AMENDED, RELATING TO MATTERS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO PROVIDE THAT A PUBLIC BODY MAY, BUT IS NOT REQUIRED TO, EXEMPT FROM DISCLOSURE CERTAIN INFORMATION, TO SPECIFY THAT DOCUMENTS INCIDENTAL TO PROPOSED CONTRACTUAL ARRANGEMENTS AND PROPOSED SALES OR PURCHASES OF PROPERTY ARE NOT EXEMPT FROM DISCLOSURE ONCE THE CONTRACT IS ENTERED INTO OR THE PROPERTY IS SOLD OR PURCHASED, TO PROVIDE THAT A CONTRACT FOR THE SALE OR PURCHASE OF REAL ESTATE REMAINS EXEMPT FROM DISCLOSURE UNTIL THE DEED IS EXECUTED, WITH THIS EXEMPTION APPLYING ONLY TO THOSE CONTRACTS OF SALE OR PURCHASE IN WHICH THE EXECUTION OF THE DEED OCCURS WITHIN TWELVE MONTHS FROM THE DATE OF THE SALE OR PURCHASE, TO PROVIDE THAT CONFIDENTIAL PROPRIETARY INFORMATION PROVIDED TO A PUBLIC BODY FOR ECONOMIC DEVELOPMENT OR CONTRACT NEGOTIATION PURPOSES IS NOT REQUIRED TO BE DISCLOSED, TO SPECIFY THAT CERTAIN PUBLIC EMPLOYEE RECORDS GATHERED BY A PUBLIC BODY DURING A SEARCH TO FILL AN EMPLOYMENT POSITION ARE EXEMPT FROM DISCLOSURE, WITH CERTAIN EXCEPTIONS; TO PROVIDE THAT DATA, RECORDS, OR INFORMATION OF A PROPRIETARY NATURE PRODUCED OR COLLECTED BY OR FOR FACULTY OR STAFF OF STATE INSTITUTIONS OF HIGHER EDUCATION UNDER CERTAIN CONDITIONS ARE EXEMPT FROM DISCLOSURE, AND TO EXEMPT FROM DISCLOSURE THE IDENTITY, OR INFORMATION TENDING TO REVEAL THE IDENTITY, OF ANY INDIVIDUAL WHO IN GOOD FAITH MAKES A COMPLAINT OR DISCLOSES INFORMATION WHICH ALLEGES A VIOLATION OR POTENTIAL VIOLATION OF LAW OR REGULATION TO A STATE REGULATORY AGENCY; TO AMEND SECTION 30-4-50, AS AMENDED, RELATING TO INFORMATION DECLARED PUBLIC INFORMATION UNDER THE FREEDOM OF INFORMATION ACT, SO AS TO DELETE "INCIDENT" AS THE ONLY TYPE OF REPORT DISCLOSING CERTAIN INFORMATION INVOLVING A CRIME OR AN ALLEGED CRIME; AND TO AMEND SECTION 30-4-70, RELATING TO MEETINGS THAT MAY BE CLOSED TO THE PUBLIC PURSUANT TO THE FREEDOM OF INFORMATION ACT, SO AS TO SPECIFY THAT AN EXECUTIVE SESSION FOR RECEIPT OF LEGAL ADVICE IS PERMITTED ONLY WHEN THE LEGAL ADVICE RELATES TO A PENDING, THREATENED, OR POTENTIAL CLAIM OR OTHER MATTERS COVERED BY ATTORNEY-CLIENT PRIVILEGE, TO DEFINE THE TERM "SPECIFIC PURPOSE", TO PROVIDE THAT WHEN THE EXECUTIVE SESSION IS HELD PURSUANT TO SECTION 30-4-70(a)(1) OR 30-4-70 (a)(5), THE IDENTITY OF THE INDIVIDUAL BEING DISCUSSED DOES NOT HAVE TO BE DISCLOSED TO SATISFY THE REQUIREMENT THAT THE SPECIFIC PURPOSE OF THE EXECUTIVE SESSION IS STATED, TO DELETE THE DEFINITION OF "FORMAL ACTION", TO PROVIDE THAT NO ACTION MAY BE TAKEN IN EXECUTIVE SESSION EXCEPT TO ADJOURN OR RETURN TO PUBLIC SESSION; AND TO PROVIDE THAT MEMBERS OF PUBLIC BODIES MAY NOT COMMIT THE BODY TO A COURSE OF ACTION BY A VOTE OR BY POLLING OF MEMBERS IN EXECUTIVE SESSION.-AMENDED TITLE

01/14/97	Senate	Introduced and read first time SJ-92
01/14/97	Senate	Referred to Committee on Judiciary SJ-92
03/19/97	Senate	Committee report: Favorable with amendment Judiciary SJ-10
03/25/97	Senate	Amended SJ-9
03/25/97	Senate	Read second time SJ-9
03/25/97	Senate	Ordered to third reading with notice of amendments SJ-9
01/20/98	Senate	Read third time and sent to House SJ-21
01/21/98	House	Introduced and read first time HJ-9
01/21/98	House	Referred to Committee on Judiciary HJ-9
04/08/98	House	Committee report: Favorable with amendment Judiciary HJ-42
04/15/98	House	Amended HJ-69
04/15/98	House	Requests for debate-Rep(s). Robinson, Davenport, Hinson, Spearman, Littlejohn, Allison, J. Hines, Young-Brickell, Knotts, Cave, Woodrum, Riser, J. Brown, Breeland & McMahan HJ-73
04/16/98	House	Requests for debate removed-Rep(s). Robinson, Spearman, Davenport & Woodrum HJ-23
04/16/98	House	Read second time HJ-49
04/16/98	House	Roll call Yeas-105 Nays-0 HJ-50
04/16/98	House	Unanimous consent for third reading on next legislative day HJ-50

04/17/98	House	Read third time and returned to Senate with amendments HJ-7
04/21/98	Senate	Recommitted to Committee on Judiciary SJ-11
04/29/98	Senate	Recalled from Committee on Judiciary SJ-9
04/30/98	Senate	House amendment amended SJ-21
04/30/98	Senate	Returned to House with amendments SJ-21
05/06/98	House	Point of order- Senate amendments not printed and on member's desks for 24 hours HJ-16
05/07/98	House	Non-concurrence in Senate amendment HJ-21
05/12/98	Senate	Senate insists upon amendment and conference committee appointed Sens.McConnell, Courtney, Ford SJ-14
05/12/98	House	Conference committee appointed Reps. Klauber, Young & Hawkins HJ-29
06/04/98	House	Conference report received and adopted HJ-185
06/04/98	Senate	Conference report received and adopted SJ-205
06/04/98	House	Ordered enrolled for ratification HJ-207
06/10/98		Ratified R 504
06/12/98		Signed By Governor
06/12/98		Effective date 06/12/98
07/07/98		Copies available
07/07/98		Act No. 423