~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 4, 2015

**H. 3195**

Introduced by Reps. Finlay, Cole, Anderson, Bales, G.A. Brown, R.L. Brown, Felder, Funderburk, Hart, Lucas, Murphy, Newton, Norman, Norrell, Pope, Putnam, Rivers, Spires, Tallon, Taylor, Wells, Williams, Willis, Bernstein, Long, Douglas, Henderson, G.M. Smith, McCoy, Clary, M.S. McLeod, Weeks, W.J. McLeod and Whipper

S. Printed 2/4/15--H. [SEC 2/5/15 3:48 PM]

Read the first time January 13, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3195) to amend Section 2‑17‑90, Code of Laws of South Carolina, 1976, relating to acts prohibited of lobbyists’ principals, so as to delete the specific authorization, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, Section 8‑13‑1348(B)(2), as contained in SECTION 2, page 2, beginning on line 30, by striking item (2) and inserting:

/ (2) the payment or reimbursement for any lodging, food and beverage, or travel expenses, other than mileage, for the candidate, a member of the candidate’s immediate family or staff must be for travel for the purpose of campaigning for office or otherwise a part of the official responsibilities of an officeholder. Official responsibilities of the officeholder include events to which an officeholder is invited in his official capacity to include, but not limited to, political party events, official appearances or meetings for which reimbursement is not offered by a governmental entity, educational forums and conventions; /

Amend the bill further, Section 8‑13‑1348(B)(4), as contained in SECTION 2, page 3, beginning on line 5, by striking Item (4) and inserting:

/ (4) payments to campaign or office staff must be made contemporaneously with the work provided. A campaign may not compensate an immediate family member of the candidate. /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 2‑17‑90, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ACTS PROHIBITED OF LOBBYISTS’ PRINCIPALS, SO AS TO DELETE THE SPECIFIC AUTHORIZATION FOR AMERICAN LEGISLATIVE EXCHANGE COUNCIL CONVENTIONS AND CONFERENCES; AND 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.

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

SECTION 1. Section 2‑17‑90(A)(1) of the 1976 Code is amended to read:

“(A) Except as otherwise provided under Section 2‑17‑100, no lobbyist’s principal may offer, solicit, facilitate, or provide to a public official or public employee, and no 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, except for:

(1) as to members of the General Assembly, a function to which a member of the General Assembly is invited if the entire membership of the House, the Senate, or the General Assembly is invited, or one of the committees, subcommittees, joint committees, legislative caucuses or their committees or subcommittees, or county legislative delegations of the General Assembly of which the legislator is a member is invited. However, the Speaker of the House and Speaker Pro Tempore of the House may be included in an invitation to one of the above groups. In addition, invitations may be extended and accepted when the invitation is extended to all members in attendance at ~~(a)~~ national and regional conventions and conferences of organizations for which the General Assembly pays annual dues as a membership requirement ~~and (b) American Legislative Exchange Council conventions and conferences~~;”

SECTION 2. Section 8‑13‑1348 of the 1976 Code, as last amended by Act 225 of 2010, is further amended to read:

“Section 8‑13‑1348. (A) No candidate, committee, public official, or political party may use campaign funds to defray personal expenses which are unrelated to the campaign or the office if the candidate is an officeholder nor may these funds be converted to personal use. The prohibition of this subsection does not extend to the incidental personal use of campaign materials or equipment nor to an expenditure used to defray any ordinary expenses incurred in connection with an individual’s duties as a holder of elective office. Personal expenses include:

(1) fines, fees or other charges imposed by an appropriate supervisory office; or

(2) fines, fees, or charges imposed by a court as a result of a criminal matter.

(B) The payment or reimbursement of reasonable and necessary ~~travel~~ expenses ~~or for food or beverages consumed by the candidate or members of his immediate family while at, and in connection with, a political event are permitted~~ associated with the campaign or the office are permitted; however:

(1) a payment or reimbursement of mileage for travel associated with the campaign or office must be at the rate established for the year by the Internal Revenue Service;

(2) the payment or reimbursement for any lodging, food and beverage, or travel expenses, other than mileage, for the candidate, a member of the candidate’s immediate family or staff must be for travel for the purpose of campaigning for office or otherwise a part of the official responsibilities of an officeholder. Official responsibilities of the officeholder include, but are not limited to, political party events, official appearances or meetings for which reimbursement is not offered by a governmental entity, and educational forums or conventions to which an officeholder is invited in his official capacity;

(3) communication or other office equipment purchased with campaign funds including, but not limited to, cell phones, computers, printers, copiers, and other similar devices are considered the sole property of the campaign and must be disclosed as assets of the campaign at the time of purchase. Further, this equipment must be accounted for pursuant to Sections 8‑13‑1368 and 8‑13‑1370 upon the final disbursement of a campaign account; and

(4) payments to campaign or office staff must be made contemporaneously with the work provided. A campaign may not employ an immediate family member of the candidate.

(C)(1) An expenditure ~~of more than twenty‑five dollars~~ drawn upon a campaign account must be made by:

(a) a ~~written instrument~~ check drawn upon a campaign account;

(b) debit or credit card; or

(c) online transfers.

(2) ~~The campaign account must contain the name of the candidate or committee, and the expenditure must contain the name of the recipient.~~ These expenditures must be reported pursuant to the provisions of Section 8‑13‑1308.

~~(2)~~ ~~Expenditures of twenty‑five dollars or less that are not made by a written instrument, debit card, or online transfer containing the name of the candidate or committee and the name of the recipient must be accounted for by a written receipt or written record.~~

(3) Nothing in this section applies to an expenditure of funds not contained in a campaign bank account.

(D) An expenditure may not be made that is clearly in excess of the fair market value of services, materials, facilities, or other things of value received in exchange.

~~(E)~~ ~~A candidate or a duly authorized officer of a committee may not withdraw more than one hundred dollars from the campaign account to establish or replenish a petty cash fund for the candidate or committee at any time, and at no time may the fund exceed one hundred dollars. Expenditures from the petty cash fund may be made only for office supplies, food, transportation expenses, and other necessities and may not exceed twenty‑five dollars for each expenditure.~~”

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

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