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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

Vol. 8

April 9, 1991

No. 13

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House Week in Review

The House of Representatives spent most of last week debating H.3743, the Ethics and Accountability in Government bill. After long hours of debate, the House gave the bill second reading on Wednesday (by a vote of 108-0) and third reading Thursday. The bill now goes to the Senate for consideration. A summary of the House-passed H.3743 is included in this week's Legislative Update.

Before beginning work on the ethics bill, set for special order debate, the House witnessed the swearing-in Tuesday of State Rep. Doug Jennings, the newly elected representative from House District 54.

And with Senate approval of amendments made by the House, S.623, legislation which would prohibit paging devices in public school, was enrolled for ratification. The paging device bill is aimed at curbing drug trafficking in the schools.

Moving from one significant bill to the next, the Solid Waste Management bill (H.3096) came up on the House calendar for consideration last Thursday. However, a point was raised that the bill, which has some proposed revenue raising measures, had not been considered by the House Ways and Means Committee as required under House rules. H.3096, which had been reported out by the House Agriculture, Natural Resources and Environmental Issues Committee, now goes to Ways and Means for further consideration.

Winners of the 1991 South Carolina Folk Heritage Awards were presented at a joint assembly on Wednesday. In addition to the presentations of the award winners, the General Assembly enjoyed performances by some of the folk artists being recognized.

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Bills Introduced

The following bills were introduced in the House of Representatives last week. Not all the bills introduced in the House are featured here. The following bill summaries are arranged according to the standing committee to which the legislation was referred.

Agriculture, Natural Resources and Environmental Affairs

Horseshoe Crabs (H.3762, Rep. Rama). This legislation would prohibit the catching or possessing of horseshoe crabs without a permit. Permits to catch horseshoe crabs would be obtained from the Department of Wildlife and Marine Resources unless the crab is being caught for scientific purposes. Inadvertently catching horseshoe crabs during legal fishing operations would not be a violation if the crabs are immediately returned to the water. If the crabs are caught in order to take blood for the production of amebocyte lysate, the blood collection must be done without injuring the crab and the crab must be returned to the water. Penalties for violations are specified in the bill.

Public Notice of Discharge Permits (H.3774, Rep. Kempe). Under this legislation, the Department of Health and Environmental Control must give public notice and hold a public hearing, if requested, before acting on a permit application to construct or discharge, or increase the discharge, of sewage, industrial waste, other wastes or air contaminants into the waters or air of this state.

Hybrid Wolves or Coyotes (H.3778, Rep. Cromer). This bill would amend existing law to make it illegal to possess, import, ship or cause to be brought into South Carolina a live wolf or coyote or hybrids of either animal. However, permits could be issued allowing zoos, transit circuses, government research agencies, or educational institutions to have the animals.

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Violations of these provisions would be misdemeanors carrying a fine of between \$1,000 to \$5,000 and up to six months in jail. Any live wolf, coyote or hybrid found without a permit could be destroyed or placed with an institution permitted to have the animal.

Judiciary

Intent to Defraud (H.3772, Rep. Kirsh). Under this bill, it would be unlawful for a person, with intent to defraud a public body in South Carolina, to use or permit the use of public funds, employees, materials, equipment, services or other public property valued at more than \$200 for private use or benefit. The bill defines public body as any government entity on the state, county, city, school district or special purpose district level, including such panels as the State Ports Authority and the Public Service Commission. Penalties for violation would be a fine of up to \$5,000 and/or up to five years in prison.

Magistrate Elections (H.3776, Rep. Phillips). This joint resolution would allow the General Assembly to provide for the conducting of nonpartisan advisory referendums to assist the governor and state Senate in selecting and appointing magistrates. Currently, the governor appoints magistrates with the advice and consent of the Senate. The Legislature provides for their terms of office and their civil and criminal jurisdiction. If approved by the Legislature, this joint resolution would go to the people for consideration in a statewide referendum.

Liability Insurance and Dangerous Animals (H.3777, Rep. Cromer). This legislation would broaden the provisions of the dangerous dogs laws to include dangerous animals, not just dogs. The bill also would upgrade violation of the dangerous animal provisions from a misdemeanor to a felony. First offense violation would bring a \$5,000 fine, increased from a \$200 fine, and a jail term increase from 30 days to 36 months. Second offense punishment would increase from a \$1,000 fine to a \$10,000 fine and up to five years in jail. The animal owner would be liable for the medical expenses of the victim of an attack. In addition, the owner would have to register the animal with the local county law enforcement agency and provide proof of a \$250,000 surety bond, made payable to a victim injured by his animal, and proof of at least \$50,000 in liability insurance.

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Ways and Means

Retirement Service Credit by Installments (S.662, Sen. Waddell). Currently, members of the State Retirement System, who have previous federal or out-of-state service, could purchase service credit years with the Retirement System by payroll installment deductions. Under this legislation, this method of payment would be extended to state employees with military service or other service for which establishing credit requires only a contribution by the member. The bill also would extend the installment purchase plan to the S.C. Police Officers Retirement System.

Bills Previously Referred to House Standing Committees

The following bill was referred to the House Judiciary Committee on March 28.

Senate Ethics Bill (S.708, Senate Judiciary Committee). Here are highlights of the 125-page committee bill.

Lobbyists and Lobbying

- Definition of lobbyist includes anyone who is employed, appointed or retained, with or without compensation, to influence public official or employees; this includes those who lobby on behalf of state agencies or higher education institutions. The definition does not include those who spend no more than 5 percent of their time lobbying, are paid no separate compensation for their activities, and expend no more than \$500 a year on lobbying activities.
- Included among those who may not lobby while in office are the governor, lieutenant governor, statewide constitutional officers, and members of the General Assembly and their family members. This restriction would remain in effect for one year after leaving office. This ban would go into effect for officials (and their families) elected to office on or after Jan. 1, 1993 or continue in office after that date.
- Annual registration of lobbyists would be with the Secretary of State. The registration fee would be \$50. The bill outlines what information must be provided at the time of registration.

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- Lobbyists would have to retain records for at least three years. These records must identify each person or organization who paid the lobbyist, and how much was paid or promised; and the lobbyist's total expenditures. In the case of voluntary membership organizations, no records need be kept unless the contribution to the organization is more than \$500 and more than 20 percent of the total contribution to the organization for that calendar year. The same registration and records keeping requirement would be required for each lobbyist's principal.
- Twice annually, a lobbyist would have to file a report of his activities with the Secretary of State. This report would include a complete and itemized account of the totals of all amounts expended by the lobbyist. The totals must be segregated by amounts spent for office expenses, rent, utilities, supplies and compensation of staff. The report must also cover any expenditure directly or indirectly related to lobbying if the amount is reimbursed by the lobbyist's principal. The report would have to cover any loans made to public officials, any direct business associations, commercial transaction or ownership interests held by a public official and the lobbyist.

The same reports would have to be submitted by the lobbyists' principals. State agencies also would have to file reports stating who served as their lobbyists and their incomes, legislation of interest, and a complete and itemized account of the total of all expenditures incurred by their lobbyists.

- Any officer, director or employee of an organization which ranks or rates the actions or votes of the governor, lieutenant governor, or General Assembly also would have to file an annual statement of economic interest with the Secretary of State. This requirement would not apply to the news media.
- The Secretary of State would be authorized to oversee lobbyists, lobbyists' principals and their filings. He could issue identification cards, levy fines and conduct audits of their lobbying records. However, enforcement of the lobbying laws would fall to the State Attorney General with the assistance of SLED.
- Lobbyists could not pay honoraria, could not serve on state boards or commissions, and could not serve as treasurer for a candidate's committee.

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- Lobbyists could not provide public officials or their employees with lodging, transportation, entertainment, food, meals, beverages or money. Neither could public officials or employees accept these amenities. Lobbyists or their principals could not host fund raising events if such expenditures would not have been made but for the purpose of lobbying.
- Violation of these provisions would be a misdemeanor with a \$1,000 fine and/or 90 days in prison and would apply to all lobbyists, principals, public officials and employees. Lobbyists and their principals also would be barred from lobbying for three years after conviction.
- The statute of limitations for lobbying violations would be three years after the violation is alleged to have taken place.
- The State Election Commission would be expanded to six members, who will be appointed by the governor with the advice of the Senate. As vacancy occur on the commission, the majority and minority political party in the General Assembly would take turns nominating three people for the vacant position, from which the governor would chose one. This selection process would continue until all six seats are filled -- three nominees submitted by the majority party; three nominees from the minority party.

Campaign Finance

- Campaign records must include the total of contributions accepted; the full name and address of all people who gave more than \$100, including the date and the amount; the employer of each contributor giving over \$500 (this is not necessary if the contributor is not an individual). The total of all expenditures made by the committee must be maintained, along with the name and address of anyone who receives an expenditure of \$50 or more, the date of the expenditure and the purpose.
- Limits on individual campaign contributions would be \$500 for state offices; \$250 for all other offices. Contribution from individuals to political committees would be limited to \$2,000, except national political committees. Contributions from legislative caucuses and party committees would be limited to \$2,000.

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- Candidate committees would be prohibited from making contributions to another candidate. This, however, would not prohibit a candidate from making a contribution to another candidate out of his own personal funds, or prohibit his committee from making a contribution to another committee of a candidate for a different office. If a candidate's committee is dissolved, surplus funds may be given to a party committee or legislative caucus.
- Any non-candidate committee, contributing more than \$500 to a campaign, must file a statement of organization. This statement would include information on whether the committee is a political party committee or legislative caucus; whether it was formed to support or oppose a candidate, referendum or ballot item. If the committee is not a corporation or organization, it must specify the trade, profession or primary interest of its contributors. All this must be submitted to the appropriate supervisory office.
- Anonymous contributions may be accepted if they are under the disclosure amounts outlined above. Anonymous contributions over the disclosure amount must be turned over to the Children's Trust Fund of South Carolina.
- All cash contributions would be prohibited, except for those collected at a religious service. Cash contributions from a religious service would be limited \$500 for a state office and \$250 for all other offices. Cash contributions, limited to \$25 per person, could be accepted at events where food and beverages or political materials are provided, as long as the contributions are collected to defray the costs of the meal or materials.
- All expenditures and contributions must be conducted through the campaign checking account with some exceptions. Unless otherwise provided, all contributions must be made by check.
- Candidates and their committees would be prohibited from knowingly soliciting, accepting or receiving a campaign contribution from a registered lobbyist or a lobbyist's principal.
- No candidate or contributor could accept or offer a contribution on the capitol grounds, Statehouse complex, the Governor's Mansion or any building housing a constitutional officer.

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- Law enforcement officers in uniform, judges, or candidates for judicial office, solicitors, assistant solicitors or their employees may not personally solicit campaign funds. This would not apply to fund raising for a candidate's own committee, except law enforcement officers may not do any political fund raising in uniform.
- Campaign committee funds could not be used to defray the personal living expenses of a candidate or his family unrelated to the campaign or to the office. Tax exempt organizations may receive a contribution from a candidate's committee but these would be limited to \$1,000 per organization. These funds also could be used to defray the ordinary expenses of the candidate's elective office.
- Contributions from a candidate's campaign funds could be made to a political party to be used for operational purposes or get-out-the-vote campaigns. These contributions would be limited to a contribution of \$10,000 in the case of a state office, \$5,000 for a legislative or multi-county office, and \$2,500 for a county or municipal office.
- Cash expenditures would be limited to no more than \$50.
- It would be unlawful for a person to distribute or post an anonymous communication supporting or opposing a candidate.
- Quarterly reports of contributions and expenditures of candidate and noncandidate committees would be required. Semiannual reports could be made on behalf of a candidate's committee in years the candidate is not up for election. Information required in the reporting forms is specified in the bill. Specific information would be required on every expenditure over \$100. Disbursements to consultants, credit card payments, advertising, and candidate reimbursements must be made so that the intended purpose of the disbursement can be understood.
- Lobbyists, lobbyists' principals, their immediate families or political action committees would file reports on contributions made to candidates.
- Candidates for federal office could not use money raised for their campaigns to further the candidacy of any state or local campaign. Neither could the funds raised for any state or local campaign be used to further the candidacy of a candidate for federal office. Contributions gathered to further the candidacy of an individual for a state or local office could not be used for an office other than the one designated on the

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statement of organization. Candidates could retain funds to use in subsequent races for the same office. Campaign funds could be used for another office on the written authorization of the person making the contribution.

- On the dissolution of a campaign committee, surplus funds may be turned over to the state's general fund, be returned pro rata to contributors, transferred to a state or local executive committee or legislative caucus, or given to a tax exempt organization.

State Ethics Commission

- The commission would be expanded from six to 12 members, two appointed from each congressional district by the governor on the advice and consent of the Senate. The appointments must be made so that each congressional district has representatives from the majority and minority political parties. The commission also must reflect racial and ethnic minorities and women. Terms of office would be increased from four to seven years. Those completing the seven year term are not eligible for reappointment. The chairmanship of the commission would be rotated between the two political parties.
- For hearings, the commission could be divided into two six-member panels.
- Members of the General Assembly would not fall under the jurisdiction of the commission.
- The confidentiality of ethics commission investigations could be waived by written authorization of the respondent.
- Commission members and the staff would be prohibited from making a financial contribution to a candidate, participating in a campaign, from being a registered lobbyist, or a lobbyist's principal.

House and Senate Ethics Committees

- Would be given authority over legislative candidates, whether they are incumbents or nonincumbents.

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Rules of Conduct

- It would be unlawful to give or promise anything of value to a public official or public employee with the intent of influencing their official decisions or for the officials' or employees' private benefit. "Anything of value" does not refer to items valued under \$25 as long as the aggregate given to the individual not exceed \$200 in value per year.
- It would be unlawful to offer anything of value to entice an elected official or candidate to switch political parties.
- Members of the General Assembly could not serve on any state board or commission, except the State Budget and Control Board, the Legislative Audit Council, the ACIR, the Legislative Council, the Reorganization Commission and joint legislative committees.
- Members of the General Assembly when representing a client for compensation before the State Public Service Commission, Insurance Commission or other quasi-judicial board of the state must file in his statement of economic interest a listing of fees, services, names of people represented, and the nature of contacts made with government entities. Legislators also would be prohibited from voting on that portion of the State Budget bill relating to the agency they have appeared before, or who their partners or associates have appeared before, during the last year. This provision would not prevent the legislator from voting on other parts of the appropriations bills or the bill as a whole.
- During the 12 months after their departure, public officials and employees would be prohibited from appearing before boards they had served on or agencies that had employed them.
- Consultants would be added to the list of those who must file statements of economic interest.
- Legislators who have been defeated, or who are not seeking reelection, would be prohibited from attending a post session legislative conference at the state's expense.

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Summary: House-passed Ethics Legislation

Here is a section-by-section summary of H.3743, the Ethics and Accountability in Government bill, passed by the House of Representatives last week. Thanks to Mary Margaret Mosrie, assistant staff counsel for the House Judiciary Committee, for providing this up-to-date summary.

**Ethics and Accountability in Government Act Summary
(H.3743)**

SECTION 1.

§ 8-14-10

Act to be known as the "Ethics and Accountability in Government Act."

§ 8-14-20

Definitions

§ 8-14-30

Prohibits pledges until the end of screening.

§ 8-14-210

Ethics Commission to be made up of 9 members, appointed by the Gov, with advice and consent of G.A. (1 from each congressional district and 3 at-large); 5 year terms; cannot serve more than one term. Commission action requires five affirmative votes.

Bars members or employees of Commission from participating in campaigns.

§ 8-14-220

Ethics Commission may render written advisory opinions upon own initiative or upon written request. Confidentiality of names must be maintained upon request.

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§ 8-13-230

Ethics Commission may conduct investigations, inquiries and hearings and may administer oaths and issue subpoenas, subject to judicial enforcement. All matters to remain confidential until final disposition.

Section 8-14-240

Commission to prescribe and provide forms required by this chapter. Documents filed with the commission must be retained for at least 4 years, open to the public upon request.

Section 8-14-250

Commission to accept and investigate complaints alleging violations of this chapter.

Section 8-14-260

Upon probable cause to believe a violation has been committed, the Commission may initiate a complaint upon its own motion, if signed by a majority of its members.

Section 8-14-270

Respondents to have the opportunity to be heard and exonerate their conduct.

The Commission may refer evidence of apparent violations to the Attorney General for prosecution.

Section 8-14-280

After an investigation, if probable cause exists, hearing to be held before a 3 member panel of the Commission.

Section 8-14-290

Panel shall conduct the hearing under the APA, except as otherwise specified.

Section 8-14-300

Within 60 days after a hearing, Commission to provide a written decision as follows:

(1) for public officials or employees other than members of the General Assembly, a recommendation of censure, suspension, or removal from office or position;

(2) for members of the G.A., a report without recommendation to the presiding officer of the body;

(3) for state officials subject to impeachment, a recommendation to the presiding officers of the G. A. that the official be removed from office;

(4) an order prescribing a civil penalty of not more than \$2,000 for each violation;

(5) an order requiring either the forfeiture of profits, etc. or voiding nonlegislative state action or both.

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(B) Fines, disciplinary action, or determination not to take action is public record. Does not limit power of the legislature or a department to discipline its members or employees, nor does it preclude prosecution for violations of any laws of this State.

Section 8-14-310

Respondent may appeal a panel decision within 10 days to the full Commission.

Section 8-14-320

The Attorney General may initiate an action to recover a fees, gifts, etc. received as a result of a violation no later than 1 year after determination by the Commission of the violation.

Section 8-14-330

4 year statute of limitations for filing complaints.

Section 8-14-340

The wilful filing of a groundless complaint must be reported to the A.G. with the imposition of a misdemeanor fine of not more than \$1,000 upon conviction.

Section 8-14-350

Upon assuming the duties of employment or office, each public official or employee shall receive a brochure prepared by the State Ethics Commission describing the general application of this chapter.

Section 8-14-360

The commission, in the performance of its duties under this chapter, may utilize the resources of other state agencies.

Section 8-14-370

No complaints to be accepted in the 60 day period preceding an election. Complaints received prior to that 60 day period that cannot be disposed of prior to 40 days before the election are postponed until after the election.

Section 8-14-380

The commission shall make an annual report to the General Assembly and Governor.

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Article 5 Senate and House Ethics Committees

Section 8-14-510

Creates House and Senate Ethics Committees, each composed of 6 members whose terms are coterminous with their legislative terms.

Section 8-14-520

Each committee to meet and recommend changes in ethics law.

Section 8-14-530

(A) Upon receipt of reports from the Ethics Commission, presiding officers of the legislature are to refer matter to the appropriate ethics committee, who shall meet in executive session to:

- (1) issue reprimands; or
- (2) recommend expulsion or otherwise punish the member under Sec. 12, Art. III, of the S.C. Constitution;
- (3) in cases of alleged criminal violations, refer the matter to the Attorney General;
- (4) accept report as information and take no action

(B) The committee must report its findings and order to the member and presiding officer of the chamber.

(C) An individual has 10 days to appeal the committee's action to the full body.

Section 8-14-540

(A) Upon receipt of an appeal by the full legislative body from the ethics committee, the presiding officer must call the body into open session, at a time in his discretion, to consider the matter and sustain the committee action or order other action consistent with Section 8-14-530 (A) 1-4.

(B) The results of that consideration, except for a private reprimand, are a matter of public record.

Section 8-14-550

An indicted public official must be suspended by the presiding officer of the House, Senate, or the Governor immediately without pay. Until the public official pleads guilty, is acquitted, is convicted or pleads nolo contendere, the member remains suspended from office. If the public official is convicted, the office must be declared vacant. If acquitted or dismissed, the public official is entitled to reinstatement of back pay.

Section 8-14-560

The Ethics Committees shall also act as an advisory body for each chamber on questions of disclosure and filing requirements.

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Article 7 Lobbyists and Lobbying

Section 8-14-710

(A) A lobbyist must register with the State Ethics Commission within 15 days of becoming a lobbyist and then annually thereafter. Registration fees are \$200 for each individual, except for full time state employees lobbying on behalf of their agency for which there is no fee.

(B) Lists of registered lobbyists to be furnished to constitutional officers and the General Assembly with monthly updates.

Section 8-14-720

(A) Lobbyist registration forms to be in the form prescribed by the State Ethics Commission and to include:

- (1) name, address, phone #, employer, principal place of business, and position held by the lobbyist;
- (2) identification of lobbyist's principals;
- (3) identification of subject matter of lobbyist's interest;
- (4) identification of each individual lobbying on behalf of any corporate entity registering as a lobbyist;
- (5) identification of each individual lobbying on behalf of the reporting lobbyist;
- (6) certification of correctness of the report.

(B) Provides for a termination statement.

(C) Supplemental registration required for substantial changes in prior registration information.

(D) Lobbyists must maintain records for 4 years, itemizing all contributions and expenditures in connection with lobbying.

(E) Lobbyist principals must maintain records for 4 years, itemizing all contributions and expenditures in connection with lobbying.

(F) Ethics Commission may require persons to submit information pursuant to requirements of this chapter.

Section 8-14-730

(A) Lobbyists shall file a report for each lobbyist principal containing all contributions and expenditures made on the principal's behalf and itemized as prescribed by the Ethics Commission, including all contributions in an aggregate amount in excess of \$25/day and \$150/year to a public official or employee.

(B) Reports must be filed semi-annually with the Ethics Commission.

Section 8-14-740

Lobbyists for state agencies who spend a substantial amount of their time lobbying shall file semi-annually reports also, unless their only lobbying activity is appearing before legislative committees upon request.

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Section 8-14-750

Provides for the powers of the Ethics Commission;

Among other things, the Ethics Commission has the power to take oaths, subpoena witnesses and documents, order testimony, request the Attorney General to initiate proceedings, prosecute and defend actions for enforcing this chapter, to promulgate regulations and to assess late fines provided for under this chapter.

§8-14-760

Provides for the duties of the Ethics Commission;

Among other things, the Ethics Commission has the duty to:

- a) develop forms under this chapter;
- b) to issue i.d. cards to lobbyists;
- c) to prepare a manual for bookkeeping and reporting purposes;
- d) to develop a filing and coding system;
- e) to make notices of registration and reports filed under this chapter available to the public;
- f) to preserve records for four years;
- g) to ascertain whether a lobbyist is in compliance with this chapter;
- h) to receive complaints and make investigations with respect to this chapter;
- i) to report violations to the Attorney General.

§8-15-770

Indicted lobbyists must be suspended by the Ethics Commission. Anyone intentionally or knowingly misfiling is subject to a fine of up to \$2500.00 and imprisonment up to one year. Persons are barred for 3 years from lobbying.

§8-14-780

"No cup of Coffee Rule"-- No invitations to public officials from lobbyists unless entire body is invited. (Similar to the House Rules)- does not apply to public officials and employees who pay for food and beverage at such functions; loans are prohibited from lobbyists and principals to public officials.

§8-14-790

Lobbyists may not serve as treasurer for a candidate nor as a member of a state board or commission elected by the General Assembly or the Governor;

- a) lobbyists and principals are prohibited from paying honoraria to public officials;
- b) lobbyists may not be paid on a contingency basis;
- c) lobbyists may not deliver campaign contributions and may not enter the floor of the General Assembly unless invited;
- d) lobbyists and principals may not employ public officials or members of their firm on retainer.

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§8-14-800

No lobbyist may provide a gift to a public official and no public official may accept a gift from a lobbyist.

Rules of Conduct

§8-14-1010

Prohibition against using public office for financial gain;

Public officials are prohibited from participating in procurement if they or a family member have a financial interest in the procurement; an interest in a blind trust is not considered to be a conflict of interest as long as it is disclosed.

§8-14-1020

Any gift to a public official valued at \$25.00 or more must be reported if there is reason to believe that the person giving the gift would not have given it but for the public official's position. This does not include mementos of an occasion or awards having value only to the recipient.

§8-14-1030

Prohibition against public officials receiving additional compensation for advice or assistance given in the course of their official duties.

§8-14-1040

Prohibition against using or disclosing confidential information gained in the course of employment for financial gain.

§8-14-1050

Prohibition against a person serving as a member of a governmental regulatory agency that regulates a business with which the person is associated with.

§8-14-1060

Prohibition against a public official from using his official position to influence governmental decisions affecting his or his family's financial interest.

§8-14-1070

Public officials or employees may not appear before the Public Service Commission, or Insurance Commission on rate or price fixing matters.

§8-14-1080

Prohibits nepotism in public employment.

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§8-14-1090

Prohibits public officials or employees of governmental regulatory agencies from accepting anything of value from businesses regulated by the agency.

Former public officials or employees of a governmental regulatory agency may not serve as lobbyists or represent clients in matters in which they were involved while employed at the agency or department.

§8-14-1100

No official or candidate may use public materials in an election campaign. Government may rent facilities for use in an election. Government personnel may participate in election campaigns on their own time.

§8-14-1110

Enumerates various boards and commissions that members of the General Assembly may no longer serve upon.

§8-14-1115

Provides that candidates running for an office elected by the General Assembly and those soliciting votes on behalf of candidates must file an expense report with the Ethics Commission of more than \$100.00 spent on seeking the office. However, this section does not apply to candidates seeking judicial offices.

§8-14-1120

Public officials may not have an interest in a contract with the state or political subdivision if authorized to perform an official function relating to the contract. (This does not infringe on public employment contracts.)

§8-14-1130

Provides that members of the General Assembly are to be subjected to random drug testing. Results must be reported to the House and Senate Ethics Committees. The results are confidential; however, the Ethics Committees may notify the appropriate authorities.

§8-14-1140

Provides that no person convicted of distributing a controlled substance to a public official or a public employee to influence a vote or official action may register thereafter as a lobbyist.

§8-14-1150

Provides that no lobbyist who has paid money to an individual, and which payment has become the subject of an indictment pursuant to Operation Lost Trust, may register as a lobbyist.

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Campaign Practices

§8-14-1310

No candidate may solicit or accept:

- 1) Cash contributions over \$100;
- 2) any contributions from lobbyists that lobby the body for which a candidate is seeking election;
- 3) contributions greater than \$2000 from an individual;
- 4) contributions greater than \$5000 from an assoc., corp., partnership, union or committee.

§8-14-1320

Prohibition against a candidate for statewide elective office accepting or receiving contributions from a political party through its party committee or legislative caucus committee which totals, in the aggregate, more than \$100,000.; a candidate for Senate, House of Rep., multi-county, county or municipal office may not accept or receive more than \$25,000 from a political party through its party committee or legislative caucus committee.

§8-14-1330

Contributions by spouses are considered separate contributions and are not aggregated.

Contributions by unemancipated children under 18 are attributed proportionately to each parent.

§8-14-1340

Prohibits the personal use of campaign funds except for the incidental personal use of campaign materials or equipment.

Expenditures of \$25 or more must be made by written instrument. Expenditures of less than \$25 must be accompanied by a receipt or written record.

Expenditures may not be made in excess of the fair market value.

A candidate's petty cash fund may not exceed \$100. Expenditures from the petty cash fund may be made only for office supplies, food, transportation and other necessities not over \$25.

§8-14-1350

Public officials in their official capacities may not receive honoraria other than reimbursement for actual, reasonable expenses.

§8-14-1360

Public officials or employees may not accept or solicit contributions on State House grounds, except for contributions received by mail.

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§8-14-1370

Prohibits anonymous contributions except for ticketed events where the value of the ticket is \$25.00 or less; such contributions must be remitted to the State's general fund.

Campaign Disclosure

§8-14-1510

Certified campaign reports must contain, among other things, the full name and address of persons making contributions of over \$100.00 and the full name and address of each person to whom an expenditure is made from campaign funds;

Upon the receipt of \$500 or more, candidates must file an initial quarterly campaign report and must continue quarterly filing thereafter;

Contributions over \$100.00 and expenditures received or made by the candidate for the period ending 20 days prior to the election must be reported 15 days before the election;

Campaign reports are to be filed with the State Ethics Commission except for candidates for the General Assembly. Candidates for the G.A. must file reports with the Chairman of the House or Senate Ethics Committee who is then required to forward a copy to the State Ethics Commission.

§8-14-1520

Non-candidate committees spending more than \$500. are required to file a statement of organization w/ the Ethics Commission.

§8-14-1530

Provides what information the non-candidate committee must include on the statement of organization.

§8-14-1540

Candidates are required to maintain records for four years including: the name and address of each person making a contribution or to whom an expenditure is made with the date, amount, purpose, and beneficiary of the expenditure and proof of payment.

§8-14-1550

Candidates may not have more than one checking account and one savings account, to be maintained in the name of the candidate unless federal or state law require additional accounts. Certificates of deposit are not considered to be separate accounts. Contributions must be deposited within 10 days of receipt.

Legislative Update, April 9, 1991

§8-14-1560

The contribution and expenditure reporting form must include: account balances; the total amount of contributions of \$100.00 or less; name and address of each person contributing more than \$100; loan information; date and amount of each expenditure.

§8-14-1570

A candidate may file a statement of inactivity.

§8-14-1580

Notice of obligation to report must be mailed by the State Ethics Commission within 30 days before the filing date of each reporting period.

§8-14-1590

Specifies format of report.

§8-14-1600

Provides the guidelines for final reporting.

§8-14-1610

Campaign reports must be available for public inspection within 2 days after filing deadline.

§8-14-1620

Provides how excess campaign funds may be used and prohibits personal use.

§8-14-1630

Campaign literature must carry the name and address of the entity paying for it.

§8-14-1640

A technical violations penalty may be assessed not to exceed \$50.

Disclosure of Economic Interest

§8-14-1810

No public official may take office until he has filed a statement of economic interest.

§8-14-1820

Provides a list of those individuals required to file a statement of economic interest.

Legislative Update, April 9, 1991

§8-14-1830

The statement of economic interests must include: income received from a lobbyist or lobbyist principal of more than \$25/day and more than \$150 in the preceding year; gifts valued at \$25 or more if reason to believe gift was given due to the official's position; reimbursements for \$250 or more; government agencies, boards, commissions, or councils before which an official provided legal representation, with total compensation received for each.

§8-14-1840

Updating statements are required to be filed annually.

§8-14-1850

Upon filing for office, persons must file economic interest statements.

§8-14-1860

Members of the G.A. must file statements of economic interest with the Senate or House Ethics Committee, who must forward a copy to the State Ethics Commission; all other public officials must file with the State Ethics Commission.

§8-14-1870

A minor fine (\$50.00) may be levied for technical violations.

Penalties

§8-14-2010

Prohibition against vote buying, etc. (modified version of the Hobbs Act); persons guilty of violating this section are guilty of a felony subject to a maximum fine of \$10,000 and imprisonment for not more than ten years.

§8-14-2020

Penalties for late filing of reports or statements under this chapter include an initial fine of \$100 for late filing plus 10.00 a day each day the report is late, not to exceed \$500.00.

§8-14-2030

Any person violating this chapter is guilty of a misdemeanor with a maximum fine of \$5,000. and imprisonment of one year.

SECTION 2.

The felony offenses of this act are added to the list of crimes in Section 16-1-10.

Legislative Update, April 9, 1991

SECTION 3.

Repeals Chapter 17, Title 2, and Chapter 13, Title 8 of current law.

SECTION 4.

Act effective January 1, 1992 except for §8-14-1110, which takes effect January 1, 1993.