

From: James Smith <james@jamesmith.com>
To: Patel, SwatiSwatiPatel@gov.sc.gov
CC: jamesmith@schouse.govjamesmith@schouse.gov
Veldran, KatherineKatherineVeldran@gov.sc.gov
Pitts, TedTedPitts@gov.sc.gov
Date: 3/27/2013 10:28:21 PM
Subject: Re: Ethics Reform amendments

Swati:

Thanks for the email. Returning from Istanbul now.

This looks good and I anticipate offering each amendment for the committee's consideration. I will review the amendment language once I get back.

Thanks again. J

James E. Smith, Jr.

On Mar 27, 2013, at 8:55 PM, "Patel, Swati" <SwatiPatel@gov.sc.gov> wrote:

> James,

> I hope your trip to Kosovo is going well. Thanks again for meeting with me and General McMaster last week regarding ethics reform. Per our discussion, I have attached draft amendments to H.3772 and a side-by-side comparing SC Ethics Reform Commission (SCERC) recommendations, H.3772 and the House GOP Study Committee recommendations (which I gave you at our meeting). The amendments (described below) reflect certain SCERC recommendations that we hope you will support and propose at the next Con Laws Subcommittee meeting on H.3772. I have provided these amendments to other members of the Subcommittee as well. If you would like to change them in any way, I'm happy to help or I'm sure Legislative Council would do a much better job!

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> (1) Side-by-side chart: those recommendations highlighted reflect amendments that are attached.

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> (2) Income Disclosure clarified: While H.3772 appears to require disclosure of source and amounts from gov't contracts, lobbyists principals, and regulated entity, it is not clear. This amendment makes it clear. Also there are definitions in H.3772 which are amended which may be broader in scope than intended. I did not change those broadened definitions in the bill in this amendment. I believe the amendment, without the definition changes, should accomplish the SCERC and GOP Study Committee intent here. I'd definitely like Patrick/Leg Council to weigh in though. (I asked Cathy Hazelwood to review this as well and she agreed it should accomplish the intent.)

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- > (3) Disclose fees received to self/firm where state agency is opposing party: current law requires public officials to report fees earned when representing clients before a state agency but not against a state agency.
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- > (4) Stronger and Progressive civil and criminal penalties: The attached document is Appendix B in the SCERC report which was submitted by the State Ethics Commission.
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- > (5) Prohibits use of campaign funds to pay penalties from criminal violations of Ethics Act.
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- > (6) Adding statutory (or constitutional) amendment to fully remove adjudicatory and investigative jurisdiction from the House and Senate Ethics Committees - I have not prepared an amendment as I know there are still many discussions about how to accomplish this. I know you said that you proposed this in past years as well. Please let us know how we can help with this very important part of ethics reform. Professor John Simpkins can also be available to meet with you.
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- > Sorry for the lengthy email, but I wanted to make sure you had time to review this over the break after you return from Kosovo. I'm available anytime to discuss. My cell is 665-0259.
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- > Safe travels back to Columbia!
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- > Thanks,
- > Swati
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- > Swati S. Patel
- > Chief Legal Counsel
- > Office of the Governor.South Carolina
- > 1205 Pendleton Street
- > Columbia, SC 29201
- > DD 803.734.5095
- >
- > <H3772 Side by Side - Amendments.docx>
- > <H3772 Income Disclosure Rec #2.docx>
- > <H3772 Disclose Fees Rec #7.docx>
- > <Enhancing penalties #15.docx>
- > <H3772 Criminal Penalties #16.docx>