**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3341**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Taylor and Magnuson

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Introduced in the House on January 8, 2019

Currently residing in the House Committee on **Judiciary**

Summary: Lobbyists and Public officers

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Judiciary**

1/8/2019 House Introduced and read first time ([House Journal‑page 202](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 202](file:///h:\hj\20190108.docx))

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**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3341_20181218.docx)

**A** **BILL**

TO AMEND SECTION 2‑17‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS APPLICABLE TO THE LOBBYING PROVISIONS CONTAINED IN CHAPTER 17, TITLE 2, SO AS TO REVISE THE DEFINITION OF “LOBBYING”, “LOBBYIST”, “PUBLIC BODY”, “PUBLIC EMPLOYEE”, AND “PUBLIC OFFICIAL”; TO AMEND SECTION 2‑17‑20, RELATING TO THE REGISTRATION OF LOBBYISTS AND APPLICABLE FEES, SO AS TO INCREASE THE LOBBYIST REGISTRATION FEE TO TWO HUNDRED DOLLARS; TO AMEND SECTION 2‑17‑25, RELATING TO THE REGISTRATION OF LOBBYISTS’ PRINCIPALS AND THE APPLICABLE FEES, SO AS TO INCREASE THE LOBBYISTS’ PRINCIPAL REGISTRATION FEE TO TWO HUNDRED DOLLARS; TO AMEND SECTION 2‑17‑80, RELATING TO PROHIBITED ACTS OF LOBBYISTS, PUBLIC OFFICIALS, AND EMPLOYEES, SO AS TO ELIMINATE QUALIFYING REFERENCES TO STATE AGENCY ACTIONS; AND TO AMEND SECTION 2‑17‑130, RELATING TO PENALTIES FOR VIOLATIONS OF PROVISIONS OF CHAPTER 17, TITLE 2, SO AS TO ELIMINATE QUALIFYING REFERENCES TO STATE AGENCY ACTIONS.

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

SECTION 1. Section 2‑17‑10(12) and (13) of the 1976 Code is amended to read:

“(12) ‘Lobbying’ means promoting or opposing through direct communication with public officials or public employees:

(a) the introduction or enactment of legislation before the General Assembly or the committees or members of the General Assembly;

(b) covered gubernatorial actions;

(c) covered agency actions; or

(d) consideration of the election or appointment of an individual to a public office elected or appointed by the General Assembly; or

(e) the action or vote of a duly elected or appointed official or employee of the State or of a public body or political subdivision of the State, that involve, but are not limited to, the introduction, amendment, adoption, issuance, promulgation, or enactment of any ordinance, legislation, regulation, motion, resolution, or other initiative; the decision to award a grant derived from federal or other funds or from any source; the procurement process or the selection of a vendor to supply any goods or services to the State or to a public body or political subdivision of the State; or the appropriation or expenditure of public funds; however, this item does not apply to an action or vote to authorize specific transactions relating to economic development projects, including, but not limited to, ordinances or other actions relating to fee‑in‑lieu of tax arrangements, special source revenue credits, multicounty industrial or business parks, or any other economic development incentives.

‘Lobbying’ does not include the activities of a member of the General Assembly, a member of the staff of a member of the Senate or House of Representatives, the Governor, the Lieutenant Governor, ~~or~~ a member of the executive staff of the Governor or Lieutenant Governor, or a duly elected or appointed official or employee of the State or of a public body or political subdivision of the State, acting in his capacity as a public official or public employee with regard to his public duties.

(13) ‘Lobbyist’ means ~~any~~ a person who is employed, appointed, or retained, with or without compensation, by another person to influence by direct communication with public officials or public employees: (i) the action or vote of any member of the General Assembly, the Governor, the Lieutenant Governor, or any other statewide constitutional officer concerning any legislation; (ii) the vote of any public official on any state agency, board, or commission concerning any covered agency actions; ~~or~~ (iii) the action of the Governor or any member of his executive staff concerning any covered gubernatorial actions; or (iv) the action or vote of a duly elected or appointed official or employee of the State or of a public body or political subdivision of the State, that involve, but are not limited to, the introduction, amendment, adoption, issuance, promulgation, or enactment of any ordinance, legislation, regulation, motion, resolution, or other initiative; the decision to award a grant derived from federal or other funds or from any source; the procurement process or the selection of a vendor to supply any goods or services to the State or to a public body or political subdivision of the State; or the appropriation or expenditure of public funds; however, this subitem does not apply to an action or vote to authorize specific transactions relating to economic development projects, including, but not limited to, ordinances or other actions relating to fee‑in‑lieu of tax arrangements, special source revenue credits, multicounty industrial or business parks, or any other economic development incentives. ‘Lobbyist’ also means ~~any~~ a person who is employed, appointed, or retained, with or without compensation, by a state agency, college, university, or other institution of higher learning to influence by direct communication with public officials or public employees: (i) the action or vote of ~~any~~ a member of the General Assembly, the Governor, the Lieutenant Governor, or ~~any other~~ another statewide constitutional officer concerning any legislation; (ii) the vote of ~~any~~ a public official of ~~any~~ a state agency, board, or commission concerning any covered agency actions; ~~or~~ (iii) the action of the Governor or ~~any~~ a member of his executive staff concerning any covered gubernatorial actions; or (iv) the action or vote of a duly elected or appointed official or employee of the State or of a public body or political subdivision of the State, that involve, but are not limited to, the introduction, amendment, adoption, issuance, promulgation, or enactment of any ordinance, legislation, regulation, motion, resolution, or other initiative; the decision to award a grant derived from federal or other funds or from any source; the procurement process or the selection of a vendor to supply any goods or services to the State or to a public body or political subdivision of the State; or the appropriation or expenditure of public funds; however, this subitem does not apply to an action or vote to authorize specific transactions relating to economic development projects, including, but not limited to, ordinances or other actions relating to fee‑in‑lieu of tax arrangements, special source revenue credits, multicounty industrial or business parks, or any other economic development incentives. ‘Lobbyist’ does not include:

(a) an individual who receives no compensation to engage in lobbying and who expresses a personal opinion to a public official or public employee on legislation~~,~~; covered gubernatorial actions~~,~~; ~~or~~ covered agency actions; ~~to any public official or public employee~~  or actions or votes of a duly elected or appointed official or employee of the State or of a public body or political subdivision of the State, that involve, but are not limited to, the introduction, amendment, adoption, issuance, promulgation, or enactment of any ordinance, legislation, regulation, motion, resolution, or other initiative; the decision to award a grant derived from federal or other funds or from any source; the procurement process or the selection of a vendor to supply any goods or services to the State or to a public body or political subdivision of the State; or the appropriation or expenditure of public funds;

(b) a person who appears only before public sessions of committees or subcommittees of the General Assembly, public hearings of state agencies, public hearings before ~~any~~ a public body of a quasi‑judicial nature, ~~or~~ proceedings of ~~any~~ a court of this State or public hearings before an agency, department, or governing body, or a committee of a court of the State, or of a political subdivision of the State;

(c) ~~any~~ a duly elected or appointed official or employee of the State, the United States, a county, municipality, school district, or a political subdivision ~~thereof~~ of these, or a member of the judiciary when appearing solely on matters pertaining to his office and public duties unless lobbying constitutes a regular and substantial portion of ~~such~~ this official’s or employee’s duties;

(d) a person performing professional services in drafting legislation, ordinances, regulations, or enactments or in advising and rendering opinions to clients as to the construction and effect of proposed or pending legislation, ordinances, regulations, or enactments;

(e) a person who owns, publishes, or is employed by a radio station, television station, wire service, or other bona fide news medium ~~which~~ that in the ordinary course of business disseminates news, editorials, columns, other comments, or other regularly published periodicals if ~~such~~ that person represents no other person in lobbying for legislation, covered agency actions, ~~or~~ covered gubernatorial actions, or actions or votes of a duly elected or appointed official or employee of the State or of a public body or political subdivision of the State, that involve, but are not limited to, the introduction, amendment, adoption, issuance, promulgation, or enactment of any ordinance, legislation, regulation, motion, resolution, or other initiative; the decision to award a grant derived from federal or other funds or from any source; the procurement process or the selection of a vendor to supply any goods or services to the State or to a public body or political subdivision of the State; or the appropriation or expenditure of public funds. This exception applies to the publication of ~~any~~ a periodical ~~which~~ that is published and distributed by a membership organization to its subscribers at least twelve times annually and for which an annual subscription charge of at least one dollar fifty cents a subscriber is made;

(f) a person who represents ~~any~~ an established church solely for the purpose of protecting the rights of the membership of the church, ~~or~~ for the purpose of protecting the doctrines of the church, or on matters considered to have an adverse effect upon the moral welfare of the membership of the church;

(g) a person who is running for office elected by the General Assembly or elected or appointed by a public body of the State or a political subdivision of the State, or a person soliciting votes on the behalf of a person who is running for office elected by the General Assembly or elected or appointed by a public body of the State or a political subdivision of the State, unless ~~such~~ the person is otherwise defined as a lobbyist by this section; ~~or~~

(h) an individual who receives no compensation to engage in lobbying and who does not make expenditures or incur obligations for lobbying in an aggregate amount in excess of five hundred dollars in a calendar year; or

(i) an officer, employee, or independent contractor of a vendor who supplies or seeks to supply any goods or services to the State or to a public body or political subdivision of the State, who does not otherwise engage in lobbying as defined by this section, solely on the basis the officer, employee, or independent contractor participates in soliciting a bid or in preparing a written bid, written proposal, or other document relating to a current contractual arrangement or potential transaction.”

SECTION 2. Section 2‑17‑10(16), (17), and (18) of the 1976 Code is amended to read:

“(16) ‘Public body’ means the General Assembly, the Executive Office of the Governor, ~~any~~ a department ~~of the State~~, ~~or any state~~ board, commission, agency, or authority of the State or of a political subdivision of the State, including, but not limited to, a county, municipality, school district, or special purpose district, including committees of any such body, by whatever name known.

(17) ‘Public employee’ means ~~any~~ a person employed by the State or by a public body of the State or a political subdivision of the State.

(18) ‘Public official’ means ~~any~~ an elected or appointed official of the State or of a political subdivision of the State, including candidates for ~~any such state~~ an elected or appointed office. However, ‘public official’ does not mean a member of the judiciary.”

SECTION 3. Section 2‑17‑20(A) of the 1976 Code is amended to read:

“(A) ~~Any~~ A person who acts as a lobbyist ~~must~~, within fifteen days of being employed, appointed, or retained as a lobbyist, shall register with the State Ethics Commission as provided in this section. Each person registering ~~must~~ shall pay a fee of ~~one~~ two hundred dollars and present to the State Ethics Commission a communication reflecting the authority of the registrant to represent the person by whom he is employed, appointed, or retained. If a partnership, committee, association, corporation, labor organization, or ~~any other~~ another organization or group of persons registers as a lobbyist, it ~~must~~ shall identify each person who will act as a lobbyist on its behalf during the covered period. There is no registration fee for a lobbyist who is a full‑time employee of a state agency and limits his lobbying to efforts on behalf of that particular state agency.”

SECTION 4. Section 2‑17‑25(A) of the 1976 Code is amended to read:

“(A) ~~Any~~ A lobbyist’s principal ~~must~~, within fifteen days of employing, appointing, or retaining a lobbyist, shall register with the State Ethics Commission as provided in this section. Each person registering ~~must~~ shall pay a fee of ~~one~~ two hundred dollars. If a partnership, committee, ~~an~~ association, ~~a~~ corporation, labor organization, or ~~any other~~ another organization or group of persons registers as a lobbyist’s principal, it ~~must~~ shall identify each person who will act as a lobbyist on its behalf during the covered period. If the State is a lobbyist’s principal, the State is exempt from paying a registration fee and filing a lobbyist’s principal registration statement.”

SECTION 5. Section 2‑17‑80 of the 1976 Code is amended to read:

“Section 2‑17‑80. (A) A lobbyist or a person acting on behalf of a lobbyist shall not offer, solicit, facilitate, or provide to or on behalf of ~~any~~ a member of the General Assembly, the Governor, the Lieutenant Governor, ~~any other~~ another statewide constitutional officer, ~~any~~ a public official ~~of any state agency~~ who engaged in covered ~~agency~~ actions, or any of their employees any of the following:

(1) lodging;

(2) transportation;

(3) entertainment;

(4) food, meals, beverages, money, or any other thing of value;

(5) contributions, as defined in Section 8‑13‑1300(7).

(B) A member of the General Assembly, the Governor, the Lieutenant Governor, ~~any other~~ another statewide constitutional officer, ~~any~~ a public official ~~of any state agency~~ who engaged in covered ~~agency~~ actions, or any of their employees shall not solicit or receive from a lobbyist or a person acting on behalf of a lobbyist any of the following:

(1) lodging;

(2) transportation;

(3) entertainment;

(4) food, meals, beverages, money, or ~~any other~~ another thing of value;

(5) contributions, as defined in Section 8‑13‑1300(7).

(C) Subsections (A)(1) through ~~(A)~~(4) and ~~subsections~~ (B)(1) through ~~(B)~~(4) of this section do not apply to the furnishing of lodging, transportation, entertainment, food, meals, beverages, or any other thing of value ~~which~~ that also is furnished on the same terms or at the same expense to a member of the general public without regard to status as a public official or public employee.

(D) Subsections (A)(1), and ~~(A)~~(2), (B)(1), and ~~(B)~~(2) of this section do not apply to the rendering of emergency assistance given gratuitously and in good faith by a lobbyist, a lobbyist’s principal, or ~~any~~ a person acting on behalf of a lobbyist or a lobbyist’s principal to ~~any~~ a member of the General Assembly, the Governor, the Lieutenant Governor, ~~any other~~ another statewide constitutional officer, ~~any~~ a public official ~~of any state agency~~ who engaged in covered ~~agency~~ actions, or any of their employees.

(E) Subsections (A) and (B) do not apply to anything of value given to a family member for love and affection.”

SECTION 6. Section 2‑17‑130(B) of the 1976 Code is amended to read:

“(B) A member of the General Assembly, the Governor, the Lieutenant Governor, ~~any other~~ another statewide constitutional officer, ~~any~~ a public official ~~of any state agency~~ who engaged in covered ~~agency~~ actions, or any of their employees who willfully violate the provisions of this chapter is guilty of a misdemeanor and, upon conviction, must be fined not more than two thousand five hundred dollars or imprisoned for not more than one year, or both.”

SECTION 7. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 8. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 9. This act takes effect upon approval by the Governor.

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