**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3622**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rose, McCoy, Spires, W. Cox, Ballentine, Mace, Clary, Pope, Finlay, Wooten, Caskey, R. Williams, B. Cox, Brawley, Funderburk, Pendarvis, Bannister, Kirby, Collins, Bryant, West, Stavrinakis, Hyde, Magnuson, Tallon, Chellis, Garvin, Bernstein, Huggins, Simrill, Ott, McDaniel, Moore, King, Matthews, Bales, Brown, Weeks, Bamberg, Elliott, Daning, Cobb‑Hunter, Atkinson, Bradley, Morgan, Wheeler, S. Williams, Norrell, Clemmons, Chumley, Ligon, Hart, Rutherford, Bailey, Allison, Davis, Kimmons, Calhoon, Hewitt and W. Newton

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Introduced in the House on January 16, 2019

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

Summary: Lobbying definitions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/16/2019 House Introduced and read first time ([House Journal‑page 24](file:///h:\hj\20190116.docx))

1/16/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 24](file:///h:\hj\20190116.docx))

1/17/2019 House Member(s) request name added as sponsor: Spires, W.Cox, Ballentine, Mace, Clary, Pope, Finlay, Wooten, Caskey, R.Williams, B.Cox, Brawley, Funderburk, Pendarvis, Bannister, Kirby, Collins, Bryant, West, Stavrinakis, Hyde, Magnuson, Tallon, Chellis, Garvin, Bernstein, Huggins, Simrill, Ott, McDaniel, Moore, King, Simmons, Bales, Brown, Weeks, Bamberg, Elliott, Daning, Cobb‑Hunter, Atkinson, Bradley, Morgan, Wheeler, S.Williams, Norrell, Clemmons, Chumley, Ligon, Hart

1/22/2019 House Member(s) request name added as sponsor: Rutherford, Bailey, Allison, Davis, Kimmons

1/24/2019 House Member(s) request name added as sponsor: Calhoon, Hewitt

1/29/2019 House Member(s) request name added as sponsor: W.Newton

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**VERSIONS OF THIS BILL**

[1/16/2019](file:///p:\pprever\2019-20\3622_20190116.docx)

**A** **BILL**

TO AMEND SECTION 2‑17‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITIONS OF “LOBBYING”, ”LOBBYIST”, “PUBLIC BODY”, “PUBLIC EMPLOYEE”, AND “PUBLIC OFFICIAL”, SO AS TO PROVIDE THAT “LOBBYING” AND “LOBBYIST” ALSO MEAN ANY PERSON WHO IS EMPLOYED, APPOINTED, OR RETAINED, WITH OR WITHOUT COMPENSATION, BY ANOTHER PERSON TO INFLUENCE CERTAIN OFFICIAL ACTIONS BY DIRECT COMMUNICATION WITH PUBLIC OFFICIALS OR PUBLIC EMPLOYEES, THE ACTION OR VOTE OF ANY MEMBER OF A COUNTY OR MUNICIPAL GOVERNING BODY, THE VOTE OF ANY PUBLIC OFFICIAL OR PUBLIC MEMBER OF ANY COUNTY OR MUNICIPAL AGENCY, BOARD, OR COMMISSION, OR THE OFFICIAL ACTION OR VOTE OF ANY COUNTY OR MUNICIPAL CHIEF EXECUTIVE OFFICIAL OR EMPLOYEE, INCLUDING MAYORS AND COUNTY OR MUNICIPAL ADMINISTRATORS OR MANAGERS, AND TO PROVIDE THAT “PUBLIC BODY”, “PUBLIC EMPLOYEE”, AND “PUBLIC OFFICIAL” ALSO MEAN COUNTY OR MUNICIPAL BODIES, EMPLOYEES, AND OFFICIALS.

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.

‘Lobbying’ also means promoting or opposing through direct communication with public officials or public employees the introduction or enactment of legislation, ordinances, or resolutions before the governing body of any county or municipality or the committees or members of the governing body of any county or municipality.

‘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 acting in his capacity as a public official or public employee with regard to his public duties.

(13) ‘Lobbyist’ means any 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. “Lobbyist” also means any 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 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 of 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.

‘Lobbyist’ also means any person who is employed, appointed, or retained, with or without compensation, by another person to influence certain official actions by direct communication with public officials or public employees, the action or vote of any member of a county or municipal governing body, the action or vote of any public official or public member of any county or municipal agency, board, or commission, or the official action or vote of any county or municipal chief executive official or employee, including mayors and county or municipal administrators or managers.

‘Lobbyist’ does not include:

(a) an individual who receives no compensation to engage in lobbying and who expresses a personal opinion on legislation, covered gubernatorial actions, or covered agency actions to any public official or public employee;

(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 public body of a quasi‑judicial nature, or proceedings of any court of this State;

(c) any duly elected or appointed official or employee of the State, the United States, a county, municipality, school district, or a political subdivision thereof, 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 official’s or employee’s duties;

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

(e) a person who owns, publishes, or is employed by a radio station, television station, wire service, or other bona fide news medium which in the ordinary course of business disseminates news, editorials, columns, other comments, or other regularly published periodicals if such person represents no other person in lobbying for legislation, covered agency actions, or covered gubernatorial actions. This exception applies to the publication of any periodical which 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 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 a person soliciting votes on the behalf of a person who is running for office elected by the General Assembly unless such 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.”

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 department of the State, or any state board, commission, agency, or authority, including committees of any such body, by whatever name known. ‘Public body’ also means the governing body of a county or municipality, or any county or municipal board, commission, agency, or authority, including committees of any such body, by whatever name known.

(17) ‘Public employee’ means any person employed by the State, or by a county or municipality.

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

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

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