**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3200**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rose, Thigpen and Caskey

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Companion/Similar bill(s): 5194

Introduced in the House on January 12, 2021

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

Summary: Public officials of local, county or municipal government

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 House Prefiled

12/9/2020 House Referred to Committee on **Judiciary**

1/12/2021 House Introduced and read first time ([House Journal‑page 111](file:///h:\hj\20210112.docx))

1/12/2021 House Referred to Committee on **Judiciary** ([House Journal‑page 111](file:///h:\hj\20210112.docx))

1/13/2021 House Member(s) request name added as sponsor: Caskey

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\3200_20201209.docx)

**A** **BILL**

TO AMEND SECTION 2‑17‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITIONS OF “COVERED AGENCY ACTION”, “LEGISLATION”, “LOBBYING”, “LOBBYIST”, “PUBLIC BODY”, “PUBLIC EMPLOYEE”, AND “PUBLIC OFFICIAL”, SO AS TO REVISE THE DEFINITIONS OF THESE TERMS TO PROVIDE THAT THE TERMS, AMONG OTHER THINGS, ALSO SHALL APPLY TO CERTAIN LOCAL GOVERNMENTAL ACTIONS OR LEGISLATIVE ACTIVITIES THAT ARE PROPOSED, DRAFTED, DEVELOPED, CONSIDERED, OR PROMULGATED BY A COUNTY OR MUNICIPAL GOVERNING BODY, BOARD, COMMISSION, OR COUNCIL, OR TO PERSONS WHO ARE EMPLOYED, APPOINTED, OR RETAINED, WITH OR WITHOUT COMPENSATION, BY ANOTHER PERSON TO INFLUENCE CERTAIN OFFICIAL ACTIONS BY DIRECT COMMUNICATION WITH LOCAL 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, COMMISSION, OR COUNCIL, 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; TO AMEND SECTION 2‑17‑30, RELATING TO LOBBYISTS’ REPORTING OF LOBBYING ACTIVITIES, SO AS TO INCLUDE LOBBYING ACTIVITIES PERFORMED AT THE LOCAL, COUNTY, OR MUNICIPAL GOVERNMENT LEVEL; TO AMEND SECTION 2‑17‑35, RELATING TO LOBBYISTS’ PRINCIPALS’ REPORTING OF LOBBYING EXPENDITURES, SO AS TO INCLUDE COSTS EXPENDED LOBBYING AT THE LOCAL, COUNTY, OR MUNICIPAL GOVERNMENT LEVEL; TO AMEND SECTION 2‑17‑40, RELATING TO STATE AGENCY OR DEPARTMENT REPORTS OF LOBBYING ACTIVITIES, SO AS TO PROVIDE THAT LOCAL GOVERNMENTAL AGENCIES OR DEPARTMENTS ALSO ARE SUBJECT TO THIS REPORTING REQUIREMENT; TO AMEND SECTION 2‑17‑45, RELATING TO REPORTS OF CERTAIN ENTITIES THAT RANK OR RATE ACTIONS, VOTES, OR FAILURES TO ACT OR VOTE OF CERTAIN PUBLIC OFFICIALS, SO AS TO MAKE ITS PROVISIONS ALSO APPLICABLE TO ENTITIES THAT RANK OR RATE ACTIONS, VOTES, OR FAILURES TO ACT OR VOTE OF A MEMBER OR COMMITTEE OF THE GOVERNING BODY OF ANY COUNTY OR MUNICIPALITY; TO AMEND SECTION 2‑17‑80, RELATING TO ACTS PROHIBITED OF LOBBYISTS, SO AS TO MAKE ITS PROVISIONS ALSO APPLICABLE TO MEMBERS OF A COUNTY OR MUNICIPAL GOVERNING BODY AND PUBLIC OFFICIALS OF LOCAL GOVERNMENTAL AGENCIES; TO AMEND SECTION 2‑17‑90, AS AMENDED, RELATING TO ACTS PROHIBITED OF LOBBYISTS’ PRINCIPALS SO AS TO MAKE ITS PROVISIONS ALSO APPLICABLE TO MEMBERS OF A COUNTY OR MUNICIPAL GOVERNING BODY AND PUBLIC OFFICIALS OF LOCAL GOVERNMENTAL AGENCIES; TO AMEND SECTION 2‑17‑100, AS AMENDED, RELATING TO COMPENSATION OR REIMBURSEMENT FOR ACTUAL EXPENSES TO ATTEND SPEAKING ENGAGEMENTS, SO AS TO DESIGNATE LOCAL GOVERNMENTAL APPROVAL AUTHORITIES FOR AUTHORIZED REIMBURSEMENTS; AND TO AMEND SECTION 2‑17‑130, RELATING TO PENALTIES FOR VIOLATIONS OF THE PROVISIONS REGARDING LOBBYISTS AND LOBBYING, SO AS TO MAKE ITS PROVISIONS ALSO APPLICABLE TO MEMBERS OF A COUNTY OR MUNICIPAL GOVERNING BODY AND TO PUBLIC OFFICIALS AND EMPLOYEES OF LOCAL GOVERNMENTAL AGENCIES, BOARDS, COMMISSIONS, AND COUNCILS.

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

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

“(2) ‘Covered agency action’ means the proposal, drafting, development, consideration, amendment, withdrawal, or promulgation of a regulation under Article 1, Chapter 23 of Title 1 of the 1976 Code. ‘Covered agency action also means the proposal, drafting, development, consideration, amendment, withdrawal, or promulgation of a rule or regulation by a county or municipal board, commission, or council.”

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

“(10) ‘Legislation’ means:

(a) bills, resolutions, amendments, reports, legislative acts, vetoes, nominations, rules, and regulations pending or proposed in either the House or Senate;

(b) any other matter which may be the subject of action by either house; ~~or~~

(c) the appointment of committees of conference and free conference by the Speaker of the House of Representatives or the President of the Senate; or

(d) ordinances or resolutions proposed, introduced, or considered by the governing body of any county or municipality or the committees or members of the governing body of any county or municipality.”

SECTION 3. 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 4. 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, council, 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 5. Section 2‑17‑30 of the 1976 Code is amended to read:

“Section 2‑17‑30. (A) Each lobbyist, no later than June thirtieth and January thirty‑first of each year, must file a report with the State Ethics Commission covering that lobbyist’s lobbying during that filing period. The filing periods are from January first to May thirty‑first for the June thirtieth report, and are from June first to December thirty‑first for the January thirty‑first report. Any lobbying activity not reflected on the June thirtieth report and not reported on a statement of termination pursuant to Section 2‑17‑20(C) must be reported no later than January thirty‑first of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) the full name, address, and telephone number of the reporting lobbyist;

(2) an identification of each person on whose behalf the reporting lobbyist engaged in lobbying during the covered period;

(3) the official name, number, or description, designated by the House or Senate, or by the governing body of any county or municipality, or by ~~an~~ a state or local agency, of legislation, covered agency actions, or covered gubernatorial actions for which the reporting lobbyist engaged in lobbying during the covered period;

(4) the identification of each person from whom income attributable to the lobbyist’s lobbying is paid or promised and the amount of the income attributable to the lobbyist’s lobbying paid or promised;

(5)(a) a complete and itemized account of the totals of all amounts expended by a lobbyist in the performance of his lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) any expenditure directly or indirectly related to lobbying if expended while engaged in the general course of lobbying and if reimbursed by the lobbyist’s principal;

(6) the name of each member of the judiciary on whose behalf a lobbyist initiated or made expenditures and a complete and itemized account of the amount expended by the lobbyist for each member of the judiciary;

(7) a statement detailing any direct business association of a lobbyist with any current member of the General Assembly, or with any current member of a governing body of any county or municipality, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state or local governmental agency, board, commission, or council who engaged in covered agency actions, or any of their employees. For the purposes of this item, direct business association does not include:

(a) ownership interests held by a lobbyist or a lobbyist’s principal and a member of the General Assembly, or with any current member of a governing body of any county or municipality, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state or local governmental agency, board, commission, or council who engaged in covered agency actions, or any of their employees in the same corporation or partnership unless the interest of each exceeds five percent of the total shares outstanding or partnership interests in such entity;

(b) an interest held by a member of the General Assembly, or with any current member of a governing body of any county or municipality, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state or local governmental agency, board, commission, or council who engaged in covered agency actions, or any of their employees in a partnership or corporation represented by a lobbyist or a lobbyist’s principal if the interest is less than five percent of the total shares outstanding or partnership interests in such entity; or

(c) any commercial transaction between a lobbyist or a lobbyist’s principal and a member of the General Assembly, or with any current member of a governing body of any county or municipality, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state or local governmental agency, board, commission, or council who engaged in covered agency actions, or any of their employees in which the fair market value of the goods transferred or services rendered is paid.

(B) Where total amounts are required to be reported, totals must be reported both for the period covered and for the entire calendar year to date.”

SECTION 6. Section 2‑17‑35 of the 1976 Code is amended to read:

“Section 2‑17‑35. (A) Except as otherwise provided by Section 2‑17‑90(E), each lobbyist’s principal, no later than June thirtieth and January thirty‑first of each year, must file a report with the State Ethics Commission covering that lobbyist’s principal’s expenditures attributable to lobbying during that filing period. The filing periods are from January first to May thirty‑first for the June thirtieth report, and are from June first to December thirty‑first for the January thirty‑first report. Any lobbying activity not reflected on the June thirtieth report and not reported on a statement of termination pursuant to Section 2‑17‑25(C) must be reported no later than January thirty‑first of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) the full name, address, and telephone number of the reporting lobbyist’s principal;

(2) an identification of each person who acted as a lobbyist on behalf of the reporting lobbyist’s principal during the covered period;

(3) the official name, number, or description, designated by the House or Senate, or by the governing body of any county or municipality, or by ~~an~~ a state or local agency, of legislation, covered agency actions, or covered gubernatorial actions for which its lobbyist engaged in lobbying during the covered period;

(4) the identification of each person to whom income attributable to the lobbyist’s lobbying is paid or promised and the amount of the income attributable to the lobbyist’s lobbying paid or promised;

(5)(a) a complete and itemized account of all amounts expended by a lobbyist’s principal for lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) any expenditure directly or indirectly related to lobbying if expended while a lobbyist’s principal or his lobbyist is engaged in the general course of lobbying;

(c) the name of each public official on whose behalf a lobbyist’s principal initiated or made expenditures pursuant to Section 2‑17‑90 and a complete and itemized account of the amount expended by the lobbyist’s principal for each public official;

(d) any reimbursements of or expenditures for actual expenses as allowed in Section 2‑17‑100;

(6) the name of each member of the judiciary on whose behalf a lobbyist’s principal initiated or made expenditures and a complete and itemized account of the amount expended by the lobbyist’s principal for each member of the judiciary;

(7) a statement detailing any direct business association of a lobbyist’s principal with any current member of the General Assembly, or with any current member of a governing body of any county or municipality, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state or local governmental agency, board, commission, or council who engaged in covered agency actions, or any of their employees. For the purposes of this item, direct business association does not include:

(a) ownership interests held by a lobbyist or a lobbyist’s principal and a member of the General Assembly, or with any current member of a governing body of any county or municipality, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state or local governmental agency, board, commission, or council who engaged in covered agency actions, or any of their employees in the same corporation or partnership unless the interest of each exceeds five percent of the total shares outstanding or partnership interests in the entity;

(b) an interest held by a member of the General Assembly, or with any current member of a governing body of any county or municipality, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state or local governmental agency, board, commission, or council who engaged in covered agency actions, or any of their employees in a partnership or corporation represented by a lobbyist or a lobbyist’s principal if the interest is less than five percent of the total shares outstanding or partnership interests in such entity; or

(c) any commercial transaction between a lobbyist or lobbyist’s principal and a member of the General Assembly, or with any current member of a governing body of any county or municipality, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state or local governmental agency, board, commission, or council who engaged in covered agency actions, or any of their employees in which the fair market value of the goods transferred or services rendered is paid;

(8) any contribution, as defined by Section 8‑13‑1300(7), made by the lobbyist’s principal to any candidate, including candidates for local office, or public official, including an itemization of:

(a) the name and address of the public official or candidate to whom the contribution was made;

(b) the amount of the contribution;

(c) the date of the contribution;

(9) in the case of a voluntary membership organization, dues, fees, or other amounts payable to the organization during any calendar year from a member need be recorded only if the contribution to the organization is more than five hundred dollars and more than twenty percent of the total contributions of the organization during that calendar year.

(B) A lobbyist’s principal may comply with the requirements of subsection (A) by attaching a copy of the information submitted by any lobbyists employed, retained, or appointed by the lobbyist’s principal if the information requested from the lobbyist’s principal is the same as the information supplied by the lobbyist pursuant to Section 2‑17‑30(A).

(C) Where total amounts are required to be reported, totals must be reported both for the period covered and for the entire calendar year to date.

(D) If the State is a lobbyist’s principal, the State is exempt from filing a report except as provided in Section 2‑17‑40(A).”

SECTION 7. Section 2‑17‑40(A) of the 1976 Code is amended to read:

“(A) Each state or local governmental agency or department must, no later than June thirtieth and January thirty‑first of each year, file a report with the State Ethics Commission covering that agency’s lobbying during that filing period. The filing periods are from January first to May thirty‑first for the June thirtieth report, and are from June first to December thirty‑first for the January thirty‑first report. Any lobbying activity not reflected on the June thirtieth report and not reported on a statement of termination pursuant to Section 2‑17‑25(C) must be reported no later than January thirty‑first of the succeeding year. Each report must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) an identification of each public official, public employee, or other person who engaged in lobbying for that agency during the covered period;

(2) legislation, covered agency actions, or covered gubernatorial actions the persons identified in item (1) engaged in lobbying during the covered period;

(3) the identification of each person to whom income attributable to the lobbyist’s lobbying is paid or promised and the amount of the income attributable to the lobbyist’s lobbying paid or promised;

(4)(a) a complete and itemized account of all expenditures made or incurred by those persons identified in item (1) in the performance of their lobbying during the covered period. The totals must be segregated by the amounts expended for office expenses, rent, utilities, supplies, and compensation of support personnel attributable to lobbying covered under the provisions of this chapter;

(b) the name of each public official on whose behalf the state or local governmental agency or department initiated or made expenditures pursuant to Section 2‑17‑90 and a complete and itemized account of the amount expended by the state agency or department for each public official;

(c) any reimbursements of or expenditures for actual expenses as allowed in Section 2‑17‑100.”

SECTION 8. Section 2‑17‑45 of the 1976 Code is amended to read:

“Section 2‑27‑45. An entity which ranks or rates the actions, vote, or failure to act or vote of the Governor, the Lieutenant Governor, or a member or committee of the General Assembly, or the governing body of a county or municipality, as to any action, vote, or failure to act or vote by these public officials and which disseminates its rankings or ratings to the general public must no later than April first of each year file a report with the State Ethics Commission. The provisions of this section do not apply to an entity whose primary business is the publication of a newspaper or other periodical or the production of electronic media programming or to a private membership organization which disseminates its rankings or ratings only to its own membership. The entity shall file the report on a form prescribed by the State Ethics Commission which must contain the full name, address, and telephone number of:

(1) the entity;

(2) each officer and director of the entity;

(3) each member of the entity who is a member of the General Assembly, or of the governing body of a county or municipality; and

(4) each member of the entity who is a lobbyist or a lobbyist’s principal.”

SECTION 9. 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 member of the General Assembly, the governing body of a county or municipality, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state or local governmental 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 governing body of a county or municipality, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state or local governmental 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 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 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), (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 person acting on behalf of a lobbyist or a lobbyist’s principal to any member of the General Assembly, the governing body of a county or municipality, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state or local governmental 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 10. Section 2‑17‑90 of the 1976 Code, as last amended by Act 1 of 2019, is further amended to read:

“Section 2‑17‑90. (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 or the governing body of a county or municipality, a function to which a member of the General Assembly or the governing body of a county or municipality is invited if the entire membership of the House, the Senate, ~~or~~ the General Assembly, or the governing body of a county or municipality 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 President of the Senate, the Speaker of the House, and the 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;

(2) as to a public official of a state or local governmental agency, board, or commission, a function to which an official of a state or local governmental agency, board, or commission is invited if the entire board or commission of which the public official is a member is invited;

(3) as to public employees, except for public employees of any statewide constitutional officer, a function to which a public employee is invited if a public official of the agency or department by which the public employee is employed also is invited under another provision of this section;

(4) as to public employees of any statewide constitutional officer, a function to which all statewide constitutional officers are invited;

(5) as to statewide constitutional officers, a function to which a statewide constitutional officer is invited;

(6) as to public officials or public employees, activities reasonably and directly related to state or local economic development efforts. However, the public official or public employee first must obtain prior written approval from:

(a) the Governor, in the case of any of his employees or of any public officials of any state agencies or any of their employees which are not listed in a subitem below;

(b) any statewide constitutional officer, in the case of himself or any of his employees;

(c) the President of the Senate, in the case of any member of the Senate or its employees; or

(d) the Speaker of the House, in the case of a member of the House of Representatives or its employees.

(7) as to cabinet officers, a function to which all cabinet officers are invited.

(B)(1) No lobbyist’s principal or person acting on behalf of a lobbyist’s principal may provide to a public official or a public employee pursuant to subsection (A)(1), (A)(2), (A)(3), (A)(4), (A)(5), or (A)(7) the value of lodging, transportation, entertainment, food, meals, or beverages exceeding fifty dollars in a day and four hundred dollars in a calendar year per public official, public employee, or cabinet officer.

(2) The daily dollar limitation in item (1) must be adjusted on January first of each even‑numbered year by multiplying the base amount by the cumulative Consumer Price Index and rounding it to the nearest five dollar amount. For purposes of this section, ‘base amount’ is the daily limitation of fifty dollars, and ‘Consumer Price Index’ means the Southeastern Consumer Price Index All Urban Consumers as published by the United States Department of Labor, Bureau of Labor Statistics.

(3) The State Ethics Commission must determine the cumulative increase in the Consumer Price Index through June thirtieth in odd‑numbered years, and determine the adjustment, if any, to be made in the daily limitation. The State Ethics Commission shall approve the adjustment of the annual amount to a figure eight times the adjusted daily limitation.

(4) The State Ethics Commission must notify all lobbyists’ principals of the adjusted limitations at the time of registration.

(C) Except as otherwise provided by subsection (E), any public official or any public employee who is required to file a statement of economic interests under Section 8‑13‑1110 and who accepts lodging, transportation, entertainment, food, meals, or beverages under subsection (A) or (G) must report on his statement of economic interests pursuant to Section 8‑13‑1120 the value of anything received.

(D) Except as otherwise provided by subsection (E), a lobbyist’s principal extending an invitation under subsection (A) must report all expenses as required by Section 2‑17‑35.

(E) If the disclosure required by subsection (C) or (D) would compromise the confidentiality of a state or local economic development project and the approving official under subsection (A)(6) has indicated in the prior written approval that disclosure of that information would jeopardize the negotiations in an economic development project, then the approving official must forward a confidential copy of the prior written approval to the lobbyist’s principal involved and the State Ethics Commission. The public official must disclose only the value of the thing of value received with a notation ‘for economic development‑confidential’ on the forms required by Sections 8‑13‑1110 and 8‑13‑1120. The lobbyist’s principal must not disclose any information identifying the recipient or details of the expenditure on the form required by Section 2‑17‑35. The public official and the lobbyist’s principal must report all required information on forms developed by the State Ethics Commission for the reporting of information under this subsection. These forms must be marked ‘confidential’ and must not be a part of the public record until such time as the approving official determines that public disclosure is appropriate.

(F) The provisions of this section do not apply to a public official or a public employee who pays for his lodging, transportation, entertainment, meals, food, or beverages at a function to which he has been invited by a lobbyist’s principal or to a public official or a public employee who pays the face value of a ticket to attend a ticketed event sponsored by a lobbyist’s principal when the ticketed event is open to the general public.

(G) Notwithstanding any other provisions of this section, a 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 if it is provided to the public official or public employee solely on the basis that the spouse of the public official or public employee is an official or employee of the providing lobbyist’s principal and the spouse’s receipt of the lodging, transportation, entertainment, food, meals, beverages, or invitation is purely incidental to the spouse’s office or employment with the lobbyist’s principal and the public official or public employee is receiving it only as the spouse of an official or employee of the providing lobbyist’s principal.”

SECTION 11. Section 2‑17‑100 of the 1976 Code, as last amended by Act 1 of 2019, is further amended to read:

“Section 2‑17‑100. A public official or a public employee acting in an official capacity may not receive anything of value from a lobbyist’s principal for speaking before a public or private group. A public official or public employee is not prohibited by this section from accepting a meal provided in conjunction with a speaking engagement where all participants are entitled to the same meal and the meal is incidental to the speaking engagement. Notwithstanding the limitations of Section 2‑17‑90, a public official or public employee may receive payment or reimbursement for actual expenses incurred for a speaking engagement. The expenses must be reasonable and must be incurred in a reasonable time and manner in which to accomplish the purpose of the engagement. The payment or reimbursement must be disclosed by the lobbyist’s principal as required by Section 2‑17‑35 and by any public official or public employee who is required to file a statement of economic interests under Section 8‑13‑1110. A public official or public employee required to file a statement of economic interests under Section 8‑13‑1110 must report on his statement of economic interests the organization which paid for or reimbursed actual expenses, the amount of such payment or reimbursement, and the purpose, date, and location of the speaking engagement. A public official or public employee who is not required to file a statement of economic interests but who is paid or reimbursed actual expenses for a speaking engagement must report this same information in writing to the chief administrative official or employee of the agency with which the public official or public employee is associated.

If the expenses are incurred out of state, the public official or public employee incurring the expenses must receive prior written approval for the payment or reimbursement from:

(1) the Governor, in the case of a public official of a state agency who is not listed in an item below;

(2) any statewide constitutional officer, in the case of himself;

(3) the President of the Senate, in the case of a member of the Senate;

(4) the Speaker of the House, in the case of a member of the House of Representatives; ~~or~~

(5) the chief executive of a department of the State or any state board, commission, agency, or authority, including committees of any such body, by whatever name known, in all other cases;

(6) the chairman of the governing body of a county or municipality, in the case of a member of the governing body of a county or municipality; or

(7) the chief executive of a local governmental agency, board, commission, or council, in the case of a public official or employee of the local governmental agency, board, commission, or council.”

SECTION 12. Section 2‑17‑130(B) of the 1976 Code is amended to read:

“(B) A member of the General Assembly, the governing body of a county or municipality, the Governor, the Lieutenant Governor, any other statewide constitutional officer, any public official of any state or local governmental agency who engaged in covered agency actions, or any of their employees who wilfully 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 13. This act takes effect upon approval by the Governor.

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