**South Carolina General Assembly**

124th Session, 2021-2022

**H. 5194**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Rose, Simrill and Pendarvis

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Companion/Similar bill(s): 3200

Introduced in the House on April 5, 2022

Currently residing in the House Committee on **Ways and Means**

Summary: Lobbying - Local Government Actions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/5/2022 House Introduced and read first time ([House Journal‑page 2](file:///h:\hj\20220405.docx))

4/5/2022 House Referred to Committee on **Ways and Means** ([House Journal‑page 2](file:///h:\hj\20220405.docx))

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**VERSIONS OF THIS BILL**

[4/5/2022](file:///p:\pprever\2021-22\5194_20220405.docx)

**A** **BILL**

TO AMEND SECTIONS 2‑17‑10, 2‑17‑15, 2‑17‑20, 2‑17‑25, 2‑17‑30, 2‑17‑35, 2‑17‑40, 2‑17‑80, 2‑17‑90, 2‑17‑110, AND 2‑17‑130, CODE OF LAWS OF SOUTH CAROLINA, 1976, ALL RELATING TO THE REGULATION, REGISTRATION, AND REPORTING OF LOBBYING, LOBBYISTS, AND LOBBYISTS’ PRINCIPALS, SO AS TO, AMONG OTHER THINGS, MAKE THESE PROVISIONS ALSO APPLICABLE TO PUBLIC OFFICIALS AND PUBLIC EMPLOYEES OF COUNTIES, MUNICIPALITIES, AND OTHER LOCAL GOVERNMENTAL ENTITIES, AS WELL AS TO THOSE INDIVIDUALS OR ENTITIES WHO ARE EMPLOYED, APPOINTED, OR RETAINED BY ANOTHER PERSON TO INFLUENCE COVERED LOCAL GOVERNMENTAL ACTIONS BY DIRECT COMMUNICATION WITH LOCAL PUBLIC OFFICIALS OR PUBLIC EMPLOYEES.

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)(a) ‘Covered agency action’ means the proposal, drafting, development, consideration, amendment, withdrawal, or promulgation of a regulation under Article 1, Chapter 23, Title 1 of the 1976 Code.

(b) ‘Covered local governmental action’ means the proposal, drafting, development, consideration, amendment, withdrawal, or promulgation of a rule or regulation by a county, municipality, or any county or municipal board, commission, council, agency, or authority, including committees of any such body, by whatever name known.”

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, amendments, 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 a covered local governmental action, 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, or any other local governmental board, commission, or council.

‘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 covered local governmental 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, 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.

‘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;

(i) an individual who appears only before local governmental entities in a public session;

(j) an individual who appears before local governmental entities solely on matters pertaining to his public duties unless lobbying constitutes a regular and substantial portion of his duties;

(k) an individual who is attempting to gain employment or an appointment from a local governmental entity; or

(l) an individual who communicates with a public official or public employee of a local governmental entity regarding:

(i) the location of a business qualifying for job development credits pursuant to Chapter 10, Title 12 of the 1976 Code;

(ii) payments in lieu of taxes pursuant to Chapter 44, Title 12, Chapters 12 or 29, Title 4, any property tax abatements or property tax classifications, assessments, or valuations, including agricultural valuations and assessments, or any property or fee in lieu of tax bills, or any appeals related thereto;

(iii) the inclusion of property in a multicounty industrial park established or to be established pursuant to Section 4‑1‑170;

(iv) the issuance of special source revenue bonds or credits pursuant to Section 4‑1‑175;

(v) zoning matters;

(vi) governmental grants or other benefits or incentives related to investment or job creation commitments made or to be made by a business;

(vii) the provision of utility services to a business;

(viii) annexation issues related to a business;

(ix) intergovernmental agreements, including multicounty business park agreements;

(x) nondisclosure agreements related to economic development projects;

(xi) tax‑exempt financing;

(xii) business licenses;

(xiii) any matter related to the sale, lease, or transfer of real estate in connection with investment or job creation commitments made or to be made by a business, including any due diligence matters; or

(xiv) preliminary or existing agreements or commitments involving subitems (i) through (xiii).”

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, county, or municipality, or by a county or municipal board, commission, council, agency, or authority, by whatever name known.

(18) ‘Public official’ means any elected or appointed official of the State, a county or municipality, or of a county or municipal board, commission, council, agency, or authority, by whatever name known, including candidates for any such state or local office. However, ‘public official’ does not mean a member of the judiciary.”

SECTION 5. Section 2‑17‑15 of the 1976 Code is amended to read:

“Section 2‑17‑15. (A)(1) The Governor, the Lieutenant Governor, any other statewide constitutional officer, a member of the General Assembly, a director or deputy director of a state department appointed by the Governor and a member of the immediate family of any of these public officials may not serve as a lobbyist during the time the official holds office and for one year after such public service ends.

(2) A public official of a county or municipality, or of a county or municipal board, commission, council, agency, or authority, including members of the public official’s immediate family, may not serve as a lobbyist during the time the official holds office and for one year after such public service ends; however, these individuals are not prohibited from serving as a state lobbyist or lobbying state-level public bodies or officials.

(B) The provisions of this section apply to the Governor, the Lieutenant Governor, or any other statewide constitutional officer who is elected after December 31, 1993, or any member of the General Assembly who is elected after December 31, 1991, ~~and~~ any director or deputy director of a state department appointed after June 30, 1993, and any local governmental official or individual described in subsection (A)(2).”

SECTION 6. Section 2‑17‑20(A) and (B) of the 1976 Code is amended to read:

“(A) Any person who acts as a lobbyist must, within fifteen days of being employed, appointed, or retained as a lobbyist, register with the State Ethics Commission as provided in this section. Each person registering must pay a fee of one 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 organization or group of persons registers as a lobbyist, it must 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. There is no registration fee for an employee of a county, municipality, or a county or municipal board, commission, council, agency, or authority, who lobbies full time and limits his lobbying to efforts on behalf of his local government employer.

(B) The registration must be in a form prescribed by the State Ethics Commission and be limited to and contain:

(1) the lobbyist’s full name and address, telephone number, occupation, name of employer, principal place of business, and position held in that business by the lobbyist;

(2) an identification of the public office or public body which the lobbyist will engage in lobbying and the subject matter in which the lobbyist will engage in lobbying, including the name of legislation, covered agency actions, covered local governmental actions or covered gubernatorial actions, if known; and

(3) certification by the lobbyist that the information contained on the registration statement is true and correct.

(4) If a lobbyist fails to identify the public office or public body for which he is authorized to engage in lobbying, as required by item (2) of this subsection, then the lobbyist’s principal for whom the lobbyist is authorized to engage in lobbying is deemed a lobbyist’s principal as to all public offices or public bodies of the State.”

SECTION 7. Section 2‑17‑25(A) and (B) of the 1976 Code is amended to read:

“(A) Any lobbyist’s principal must, within fifteen days of employing, appointing, or retaining a lobbyist, register with the State Ethics Commission as provided in this section. Each person registering must pay a fee of one hundred dollars. If a partnership, committee, an association, a corporation, labor organization, or any other organization or group of persons registers as a lobbyist’s principal, it must 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. If an entity or unit of local government is a lobbyist’s principal, that entity or unit of local government is exempt from paying a registration fee and filing a lobbyist’s principal registration statement.

(B) The registration must be in a form prescribed by the State Ethics Commission and be limited to and include:

(1) the full name, address, and telephone number of the lobbyist’s principal. If the lobbyist’s principal is an individual, the lobbyist’s principal also shall include his occupation, name of employer, principal place of business, and position of authority held in that business by the lobbyist’s principal;

(2) an identification of each person the lobbyist’s principal expects to employ, appoint, or retain as a lobbyist;

(3) an identification of the public office or public body which the lobbyist’s principal will authorize lobbying and the subject matter in which the lobbyist’s principal will authorize lobbying, including the name of legislation, covered agency actions, covered local government actions, or covered gubernatorial actions, if known; and

(4) certification by the lobbyist’s principal that the information contained on the registration statement is true and correct.

(5) If a lobbyist’s principal fails to identify the public office or public body for which he has authorized lobbying as required by item (3) of this subsection, then the lobbyist’s principal is deemed a lobbyist’s principal as to all public offices or public bodies of the State.

A lobbyist’s principal may comply with the requirements of items (1), (2), and (3) above by attaching a copy of the information submitted by any lobbyist 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 2‑17‑20.”

SECTION 8. Section 2‑17‑30(A) of the 1976 Code is amended to read:

“(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 governmental agency, of legislation, covered agency actions, covered local governmental 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, covered local governmental 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, covered local governmental 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, covered local governmental 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, covered local governmental actions, or any of their employees in which the fair market value of the goods transferred or services rendered is paid.”

SECTION 9. Section 2‑17‑35(A) of the 1976 Code is amended to read:

“(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 governmental agency, of legislation, covered agency actions, covered local governmental 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, covered local governmental 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, covered local governmental 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, covered local governmental 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, covered local governmental 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.”

SECTION 10. 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, covered local governmental 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 11. 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, covered local governmental 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, covered local governmental 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, covered local governmental 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 12. Section 2‑17‑90(A) of the 1976 Code, as last amended by Act 1 of 2019, is further amended to read:

“(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; or

(e) the chairman of the governing body of a county or municipality, in the case of himself, or other local government officials or employees of that county or municipality.

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

SECTION 13. Section 2‑17‑110 of the 1976 Code is amended to read:

“Section 2‑17‑110. (A) A lobbyist may not solicit or accept compensation dependent in any manner upon the passage or defeat of any pending or proposed legislation, covered agency actions, covered local governmental actions, or covered gubernatorial actions. A lobbyist’s principal may not employ, appoint, or retain a lobbyist for compensation dependent in any manner upon the passage or defeat of any pending or proposed legislation, covered agency actions, covered local governmental actions, or covered gubernatorial actions.

(B) A lobbyist may not cause the introduction of legislation, covered agency actions, covered local governmental actions, or covered gubernatorial actions for the purpose of obtaining employment to engage in lobbying in support of or in opposition to the action.

(C) A lobbyist may not serve as a treasurer for a candidate, as defined in Section 8‑13‑1300(4).

(D) A lobbyist may not serve as a member of a state board or state commission, except that any lobbyist serving as a member of a state board or a state commission before January 1, 1991, may continue to serve as a member of the same state board or state commission until the end of his current term.

(E) A lobbyist, including a lobbyist who is a former member of the General Assembly, may not enter the floor of the House of Representatives or the Senate unless invited by the membership of the respective chamber during a session of the General Assembly.

(F) A lobbyist, a lobbyist’s principal, or a person acting on behalf of a lobbyist or a lobbyist’s principal may not host events to raise funds for public officials. No public official may solicit a lobbyist, a lobbyist’s principal, or a person acting on behalf of a lobbyist or a lobbyist’s principal to host a fundraising event for the public official.

(G) A lobbyist, a lobbyist’s principal, or a person acting on behalf of a lobbyist or a lobbyist’s principal may not employ on retainer a public official, a public employee, a member of the immediate family of a public official or public employee, or a firm or organization in which the public official or public employee has an economic interest. A retainer, for purposes of this section, is a payment for availability to perform services rather than for actual services rendered.

(H) A lobbyist, a lobbyist’s principal, or a person acting on behalf of a lobbyist or a lobbyist’s principal shall not pay an honorarium to a public official or a public employee. This subsection does not prohibit the reimbursement of or expenditure for actual expenses by a lobbyist’s principal as allowed in Section 2‑17‑100.

(I) A lobbyist, a lobbyist’s principal, or a person acting on behalf of a lobbyist or a lobbyist’s principal may not offer, facilitate, or provide a loan to or on behalf of a statewide constitutional officer, ~~or~~ a member of the General Assembly, or a public employee or public official of a county or municipality, or of a county or municipal board, commission, council, agency, or authority unless the lobbyist’s principal is a financial institution authorized to transact business in the State and makes the loan in the ordinary course of business.

(J) A lobbyist, a lobbyist’s principal, or a person acting on behalf of a lobbyist or a lobbyist’s principal shall not offer or provide contributions or any other type of funds or financial assistance to a legislative special interest caucus as defined in Section 2‑17‑10(21).”

SECTION 14. 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, covered local governmental 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 15. This act takes effect upon approval by the Governor.

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