

AN ACT

ENTITLED, An Act to revise and repeal certain provisions regarding gifts from registered lobbyists to public officials.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 2-12 be amended by adding a NEW SECTION to read:

Terms used in this Act mean:

- (1) "Immediate family," the spouse or any minor children living at home;
- (2) "Lobbyist," any person who is registered pursuant to § 2-12-1; and
- (3) "Principal," any person or organization as defined in § 12-27-1 that employs or otherwise compensates a lobbyist or authorizes a lobbyist to lobby on behalf of that person or organization. A person's membership in or employment by an organization that employs or compensates a lobbyist does not qualify such person as a principal.

Section 2. That chapter 2-12 be amended by adding a NEW SECTION to read:

No public official and no member of the immediate family of a public official may accept from any lobbyist or principal any gifts with a cumulative value greater than one hundred dollars during any calendar year. Beginning on January 1, 2019, and again on January first of each year thereafter, the cumulative value applicable in this section shall be adjusted by the index factor as provided in section 5 of this Act, and the adjusted cumulative value for the year shall be published on the secretary of state's website. Any person who knowingly and intentionally violates any provision of this section is guilty of a Class 1 misdemeanor.

Section 3. That chapter 2-12 be amended by adding a NEW SECTION to read:

For purposes of this Act, the term, public official, means:

- (1) Any person holding a statewide office as defined in § 12-27-1, including any person who has been elected or appointed but who has not yet assumed office;

- (2) Any head of an agency in the executive branch, including any person who has been appointed but who has not yet assumed office; or
- (3) Any member or member-elect of the Legislature.

Section 4. That chapter 2-12 be amended by adding a NEW SECTION to read:

For purposes of this Act, the term, gift, means anything of value, including any object, money, property, or service, that is given without compensation or remuneration. The term does not include:

- (1) Anything of value for which the recipient paid an equal or greater value;
- (2) Any contribution to a political committee that is regulated by the Federal Elections Commission or under chapter 12-27;
- (3) Any service or event to assist a public official in the performance of official duties, including any cost to educate or inform the public official on matters of public policy; any advice, information, consultation, or communication regarding actual or proposed legislation; any service to constituents or to promote the economic development of the state;
- (4) Any food, entertainment, or beverage provided for immediate consumption;
- (5) Anything of value exchanged between immediate family members;
- (6) The cost of admission to any state-owned facility or state-sponsored industry or event, if provided by the sponsoring state agency, political subdivision, or publicly funded institution;
- (7) Anything of value received due to membership in a group, the majority of whose membership is not comprised of public officials, if the object or other thing of value is also given to other members of that group or to other members who also serve as officers or directors of that group; or
- (8) Any scholarship, prize, or financial support awarded or supported by a principal for a

program related to education, and widely available and generally awarded to qualifying members of the public, the majority of whom are not comprised of public officials or the immediate family of public officials.

Section 5. That chapter 2-12 be amended by adding a NEW SECTION to read:

For the purposes of this Act, the index factor is the annual percentage change in the consumer price index for urban wage earners and clerical workers as published by the United States Department of Labor for the year before the year immediately preceding the year of adjustment.

Section 6. That § 12-27-46 be repealed.

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I certify that the attached Act originated in the

HOUSE as Bill No. 1073

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1073
File No. _____
Chapter No. _____

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Received at this Executive Office this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby approved this _____ day of _____ , A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____ , 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State