

# State of South Dakota

EIGHTY-SIXTH SESSION  
LEGISLATIVE ASSEMBLY, 2011

195S0463

## SENATE LOCAL GOVERNMENT ENGROSSED NO. **SB 109** - 2/7/2011

Introduced by: Senators Lederman, Begalka, Kraus, Krebs, Maher, Rhoden, Schlekeway, and Tieszen and Representatives Hoffman, Bolin, Miller, Moser, Nelson (Stace), Olson (Betty), Russell, and Verchio

1 FOR AN ACT ENTITLED, An Act to authorize the secretary of state to promulgate rules  
2 concerning lobbyist registration fees, to impose a penalty for the failure to timely file  
3 lobbyist or lobbyist employer reports, to repeal certain provisions concerning lobbyists who  
4 fail to comply with certain requirements, and to create a technology fund.

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

6 Section 1. That § 2-12-3 be amended to read as follows:

7 2-12-3. Each lobbyist who registers and is employed pursuant to this chapter shall pay to the  
8 secretary of state an annual registration fee of ~~forty dollars~~ for each employer represented by the  
9 lobbyist. The secretary of state shall promulgate rules pursuant to chapter 1-26 to set the fee for  
10 lobbyist registration. The annual registration fee for a lobbyist may not exceed sixty-five dollars.  
11 The first forty dollars of each annual registration fee shall be deposited in the general fund. Any  
12 amount for the annual registration fee that exceeds forty dollars shall be deposited in the  
13 technology fund created pursuant to section 4 of this Act.

14 Section 2. That § 2-12-11 be amended to read as follows:



1        2-12-11. On or before July first of each year, each registered lobbyist and each employer of  
2 a registered lobbyist whose name appears in the directory in that year shall submit to the  
3 secretary of state a complete and detailed report of all costs incurred for the purpose of  
4 influencing legislation. However, the personal expenses of the lobbyist spent upon the lobbyist's  
5 own meals, travel, lodging, phone calls or other necessary personal needs while in attendance  
6 at the legislative session need not be reported. The reports shall be personally sworn to by the  
7 person making the report in the presence of a notary public. The secretary of state shall prescribe  
8 concise and simple forms for reporting costs and expenses for lobbyists and the employers of  
9 lobbyists. The completed reports shall be open to public inspection. The terms, costs, and  
10 expenses, as used in this section do not mean the compensation paid by the employer to the  
11 lobbyist.

12        Any lobbyist expense report filed pursuant to this section is exempt from the ten dollar filing  
13 fee prescribed in subdivision 1-8-10(2).

14        If a person has been authorized to act as a lobbyist on behalf of an employer pursuant to § 2-  
15 12-4, but the lobbyist does not conduct any lobbying activities pursuant to § 2-12-1 nor acts in  
16 any manner as a lobbyist in connection with representing that employer, a report is not required  
17 to be filed under this chapter.

18        The secretary of state may impose an administrative penalty for the failure to timely file the  
19 report required by this section. The secretary of state may impose a penalty of ten dollars per day  
20 for each violation not to exceed a total of one thousand dollars. Any administrative penalty  
21 collected pursuant to this section shall be deposited in the technology fund.

22        Section 3. That § 2-12-12 be repealed.

23        ~~2-12-12. Any person employed as a lobbyist who is convicted of a failure to comply with~~  
24 ~~any provision of this chapter, or of acting as a lobbyist contrary to the provisions of this chapter~~

1 ~~shall be disbarred from acting in the capacity of lobbyist for three years following the date of~~  
2 ~~such conviction.~~

3 ~~—The attorney general or the state's attorney of the county where the violation is alleged to~~  
4 ~~have been committed shall bring prosecutions for the violation of the provisions of this chapter.~~

5 Section 4. There is hereby created within the state treasury the technology fund to be  
6 administered by the Office of the Secretary of State. All moneys in the technology fund are  
7 subject to appropriation by the Legislature through the General Appropriations Act or special  
8 appropriations. Any interest earned on money in the fund shall be credited to the fund.