



2022 South Dakota Legislature

House Bill 1290

Introduced by: **Representative Milstead**

1 **An Act to prohibit lobbying by state officials and employees.**

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

3 **Section 1. That § 2-12-1 be AMENDED:**

4 **2-12-1.** Any person who employs any other person to act as a lobbyist to seek the
 5 introduction of legislation or to promote, oppose, or influence in any manner the passage
 6 by the Legislature of any legislation affecting the special interests of any ~~agency,~~
 7 individual, association, or business, as distinct from those of the whole people of the state,
 8 or to act in any manner as a lobbyist in connection with any such legislation, shall register
 9 the name of the person so employed or agreed to be employed, with the secretary of
 10 state, to be included in a directory of registered lobbyists as hereinafter provided. The
 11 lobbyist shall also register with the secretary of state. Upon the termination of such
 12 employment prior to the adjournment sine die of a legislative session, such fact shall be
 13 entered opposite the name of any person so employed, either by the employer or
 14 employee.

15 **Section 2. That § 2-12-5 be AMENDED:**

16 **2-12-5.** Any person employing any lobbyist shall, whenever further subjects of
 17 legislation are introduced or arise which such lobbyist is hired to promote or oppose, make
 18 or cause to be made additional entries opposite his name in the directory, stating such
 19 additional employment in such manner that such entries shall show all the subjects of
 20 legislation in relation to which any lobbyist is employed. No person, ~~agency,~~ business
 21 organization, or association may, directly or indirectly, employ any person as lobbyist in
 22 respect to any legislation coming within the terms of this chapter, unless the name of such
 23 person is duly entered on the lobbyist directory as provided by this chapter.

24 **Section 3. That § 2-12-8.2 be AMENDED:**

1 **2-12-8.2.** No elected officer, department or agency head, or division director, or
2 the highest paid employee reporting to such person may be compensated, act, or register
3 as a lobbyist, ~~other than a public employee lobbyist,~~ during a period of two years after
4 that person's termination of service in the state government. A violation of this section is
5 a Class 1 misdemeanor.

6 **Section 4. That chapter 2-12 be amended with a NEW SECTION:**

7 No state official or employee, acting in his or her official capacity, may lobby for or
8 against any matter that is intended to have the force and effect of law, and is pending
9 before the legislature or any committee of the legislature. Nothing in this section prohibits
10 a state official or employee from disseminating objective, factual information relative to
11 any such matter.

12 No state official or employee may, on behalf of his or her agency, contract with a
13 person for the provision of lobbying services in regard to any matter that is intended to
14 have the force and effect of law, and is pending before the legislature or any committee
15 of the legislature.

16 For purposes of this section, the term, state official, means:

- 17 (1) A person who holds a statewide office, as defined in § 12-27-1, including any
18 person who has been elected or appointed, but who has not yet assumed office;
19 and
20 (2) Any person who heads an executive branch agency, a judicial branch agency, or
21 any state board or commission, including any person who has been appointed, but
22 who has not yet assumed office.

23 **Section 5. That § 2-12-7.1 be REPEALED:**

24 ~~Any person employed in the executive branch of state government, a constitutional~~
25 ~~office, or the judicial system, who is not an elected official or who is not subject to~~
26 ~~confirmation by the senate, who is authorized to officially represent any department of~~
27 ~~the executive branch, constitutional office, Public Utilities Commission, or judicial system~~
28 ~~in any capacity before the Legislature or any of its several committees shall register as an~~
29 ~~executive or judicial agency representative for such department or office in the same~~
30 ~~manner and under the same provisions of this chapter as apply to all lobbyists, but need~~
31 ~~pay no fee. Every executive and judicial agency representative shall wear a badge which~~
32 ~~shall be visible at all times when engaged in representing the department. The badge shall~~
33 ~~be provided by the secretary of state and be of a color different from the color of lobbyist~~

1 ~~badges. The badge shall bear the identity of the agency the person has registered to~~
2 ~~represent and shall state the name of the person. The provisions of this chapter do not~~
3 ~~apply to employees of the executive branch testifying on budgetary matters before the~~
4 ~~appropriations committees of the Legislature.~~