

1980 WL 120723 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 18, 1980

***1 RE: Authority of the Department to Hire a Lobbyist**

Mr. Paul W. Cobb
Chief Highway Commissioner
S. C. Department of Highways and Public Transportation
Post Office Box 191
Columbia, SC 29202

Dear Mr. Cobb:

You have inquired as to whether the Department has the authority to hire a lobbyist. I assume that that term refers to a person who is employed by the Department to influence votes of members of the General Assembly concerning legislation which is considered important to the Department.

As you know, the Department derives its power solely from the legislature, and any powers it exercises must be found in some statutory enactment. [Southern Railroad Co. vs. South Carolina State Highway Department, 237 S.C. 75 115 S.E.2d 685 \(1960\)](#). In cases of reasonable doubt, the existence of the power must be resolved against the Department. I have reviewed statutes granting the Department such powers and responsibilities, and have concluded that the Department is without the authority to employ an individual whose sole responsibility is to influence General Assembly members in order to secure the passage or defeat of legislation affecting the Department. The case of [Valentine vs. Robertson, 300 F.521 \(CA9, 1924\)](#), supports this position. In that case, a municipal corporation's ability to hire a lobbyist was held to be beyond the express or implied powers of the municipality, even when attempting to influence legislation involving the municipality's road-building program.

Yours very truly,

Richard D. Bybee
Assistant Attorney General

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