

The State of South Carolina



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May 7, 1991

The Honorable D. N. Holt, Jr.
Chairman
Charleston County Joint Legislative
Delegation
2 Courthouse Square, Room 307
Charleston, South Carolina 29401

Re: Interpretation of House Rules

Dear Representative Holt:

You have asked whether the House Rules are applicable to lobbyists' activities that occur outside of the capitol grounds. I emphasize at the outset that any interpretation of House Rules is solely within the province or authority of the House of Representatives. State Ex Rel. Coleman v. Lewis, 181 S.C. 10, 186 S.E. 625 (1936). It does appear that a reading of House Rules 11 and 12 that applies the terms in their ordinary significance or meaning, would reasonably support an interpretation that the Rules attempt to govern lobbyists' activities that occur outside of the capitol grounds. For example, House Rule 11.10(A) provides:

No lobbyist may extend an invitation for any function paid for by a lobbyist to any member unless the entire membership of the House is invited, or one of its standing committees or standing subcommittees or caucuses is invited, or an entire county House delegation is invited.

There is nothing apparent on the face of this prohibition which literally suggests that its scope is limited to conduct that occurs only upon the capitol grounds. Likewise, I reference House Rule 12.2(B) which provides:

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Whoever gives or offers to a public official or public employee ... any compensation or anything of value as provided in subsection (A) is subject to the punishment as provided by the Rules of the House.

Again, applying the words used in this Rule in their ordinary significance, it would be reasonable for the House to construe or interpret the Rule's application as not being limited to conduct that occurs upon the capitol grounds.

I reiterate that any interpretation of House Rules is solely within the province or authority of the House of Representatives. State Ex Rel. Coleman v. Lewis, supra; Ops. Atty. Gen., July 17, 1990, and August 7, 1990 ["...[W]here a rule of the House is involved, the doctrine of separation of powers mandates that the General Assembly ... remains the final interpreter of its rules."] Thus, while a literal reading of the Rules, and a reading that applies the terms in their ordinary significance, would reasonably support an interpretation that discrete House Rules were intended by the House to apply to conduct that occurs outside of the capitol grounds, only the House of Representatives can authoritatively respond to your question.

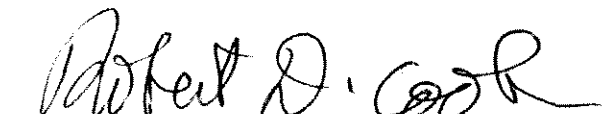
If I may provide any further assistance, please contact me.

Very truly yours,


Edwin E. Evans
Chief Deputy Attorney General

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REVIEWED AND APPROVED:


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