

1982 WL 189247 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 8, 1982

\*1 Larry C. Batson, Esquire  
South Carolina Department of Corrections  
4444 Broad River Road  
Columbia, South Carolina 29221

Dear Larry:

This is in response to your letter of March 16, 1982, in which you seek, on behalf of the Board of Corrections, the opinion of this office regarding the legality of the Department's employing a Special Assistant to the Commissioner in light of this office's March 3, 1982, opinion regarding the employment of a lobbyist.

'Lobbyist' is defined in [§ 2-17-10\(b\) and \(c\) of the Code of Laws of South Carolina](#), 1976, as 'any person who is appointed or retained, with or without compensation, . . . to influence in any matter the act or vote of any member of the General Assembly of this State during any regular or special session thereof upon or concerning any bill, resolution, amendment, report, claim, act or veto pending or to be introduced.' And 'lobbying' is defined in [§ 2-17-10\(d\)](#), *id.*, as 'direct communication with members of the General Assembly or their staff to influence the passage or defeat of legislation.' In the March 3 opinion of this office addressed to Board member Zeigler, it was stated:

In conclusion, the Department [of Corrections] may not, in the opinion of this office, employ—either directly or indirectly and regardless of the source of funds—a person whose full or part-time function is to lobby the members of the General Assembly on a regular and continual basis.

You have asked, in essence, whether a Special Assistant to the Commissioner performing the duties outlined in the job description which accompanied your request for an opinion is a lobbyist. The activities of this position that are relevant to your inquiry are described in paragraphs 1-3 of the job description under the head 'Specific Duties.' It is unclear, however, from these paragraphs of the job description whether in his capacity as a 'legislative liaison', the Special Assistant will be primarily responding to legislative inquiries or, instead, will be initiating legislative contacts on legislation of interest to the Department. Assuming that the Special Assistant will engage principally in responding to inquiries by legislators or their staff and will not be engaged in initiating legislative contacts to influence the act or vote of a legislator on pending or proposed legislation, he would not, in this office's opinion be a lobbyist.

Sincerely,

Vance J. Bettis  
Assistant Attorney General

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