

1975 S.C. Op. Atty. Gen. 79 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4008, 1975 WL 22306

Office of the Attorney General

State of South Carolina

Opinion No. 4008

March 28, 1975

\*1 Mr. Phillip M. Grier  
University Counsel  
University of South Carolina  
Columbia, SC 29208

Dear Mr. Grier:

You have informed this Office that the University has employed a Legislative Liaison Officer to effect liaison with the General Assembly, and you have requested an opinion as to whether the aforesaid officer is a lobbyist and required to register as such with the South Carolina Secretary of State pursuant to Section 30–151 et. seq. of the South Carolina Code of Laws, which has been recently amended by Act No. 1140, Page 2622, Acts and Joint Resolution of 1974.

Section 30–152 of Act No. 1140 requires in part that:

Every person who employs any person to act as counsel or agent to promote or oppose in any manner the passage by the General Assembly of any legislation affecting the pecuniary interest of any person of the State or to act in any manner as legislative counsel or agent in connection with any such legislation shall, within ten days of such employment and in all cases before appearing before committees of the General Assembly cause such lobbyist, agent or counsel to register with the Secretary of State as later provided herein. . . .

However, Section 301155(c) of Act No. 1140 provides that:

The provisions of Section 30–152 are not intended and shall not be construed to apply to the following:

...

(c) Any duly elected or appointed official or employee of the State, the United States, a county, municipality, school district or public service district, when appearing only solely in matters pertaining to his office and public duties.

Therefore, it is the opinion of this Office that the University Legislative Liaison Officer is exempt from registering as a lobbyist in effecting liaison with the General Assembly when appearing solely on official public matters pertaining to his office.

It should be noted, however, that the Officer does not appear to be exempt from the provisions of Section 30–154 of Act No. 1140, concerning the filing of an annual report of ‘all contributions and expenditures made, paid, incurred or promised in connection with promoting or opposing in any manner any legislation within the terms of this act’. This too is a novel question in this jurisdiction. However, the decision announced in the recent District of Columbia case entitled Bradley v. Saxbe could have applicability to the construction of our Lobbying Act, although the Bradley case is not binding upon our Courts. In Bradley, Judge Gesell noted that the Federal Regulation of Lobbying Act was construed to apply only to private special interest groups by the United States Supreme Court in United States v. Harriss, 347 U.S. 612 (1954). If this construction were applied to the South Carolina Lobbyists and Lobbying Act, then the Officer should also be exempt from filing an annual report.

Very truly yours,

Donald v. Myers  
Assistant Attorney General

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