

1974 WL 27997 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 4, 1974

***1 Re: No. 116—General Assembly**

Hon. T. W. Edwards, Jr.
Chairman
Ethics Committee
House of Representatives
State House
Columbia, South Carolina

Dear Mr. Edwards:

You have requested that we advise you as to whether or not a Member of the House of Representatives of South Carolina is required by House Rule 4.16(c) to report the nature, source and amount of all sums paid by the State or any of its administrative agencies or departments to that Member pursuant to a contract awarded him after competitive bidding.

House Rule 4.16 of the Rules of the House of Representatives provides in part:

Each member shall file with the Ethics Committee . . . a statement . . . setting forth (1) the nature, source and amount of all fees, compensation and benefits of any nature received from the State or any administrative agency or department thereof; . . . or as a result of any business transaction by or with any such (entity, agency or department); . . .

Where the terms of a statute are clear and not ambiguous, they must be applied according to their literal meaning. [Jones v. S.C.S.H.D.](#), 247 S.C. 132, 146 S.E.2d 166 (1966). As our Supreme Court observed in that case:

There is no safer nor better rule of interpretation than that when language is clear and unambiguous it must be held to mean what it plainly says. [Id.](#) at 136.

In our view, House Rule 4.16(c) is both clear and unambiguous; therefore, it must be held to mean what it plainly says. As applied to all sums paid by the State or any of its administrative agencies or departments, the rule provides that each member must file a statement disclosing the nature, source and amount of those sums. The emphasis of the statute is upon the fact of such payments to a House Member and not upon the process by which he became entitled to payment. The opinion of this office, therefore, is that a Member of the House of Representatives is required by House Rule 4.16(c) to report the nature, source, and amount of sums paid by the State or any of its administrative agencies or departments to that member pursuant to a contract awarded him following competitive bidding. Such sums clearly would constitute ‘compensation’ paid ‘as a result of (a) business transaction.’

Kind regards,

C. Tolbert Goolsby, Jr.

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