

Senate Ethics Committee

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ADVISORY OPINION #93-3

To: Members, South Carolina Senate

From: Hugh K. Leatherman, Sr.
Chairman, Senate Ethics Committee

Date: April 2, 1993

Re: Invitation to Selected Members

The Committee has been asked by a lobbyist's principal whether it may legally invite selected members to a dinner sponsored by it when the guest list includes only those members who represent areas served by the lobbyist's principal and does not include all members of the Senate or of a committee, subcommittee, joint committee, legislative caucus or county delegation.

S. C. Code Ann. § 2-17-90 provides:

Except as otherwise provided under Section 2-17-100,¹ no lobbyist's principal may offer, solicit, facilitate, or provide to a public official or public employee, and no public official or public employee may accept lodging, transportation, entertainment, food, meals, beverages, or an invitation to a function paid for by a lobbyist's principal, except for:

(1) as to members of the General Assembly, a function to which a member of the General Assembly is invited if the entire membership of the House, Senate, or the General Assembly is invited, or one of the committees, subcommittees, joint committees, legislative caucuses, or county legislative delegations of the General Assembly of which the legislator is a member is invited. . . .

(Emphasis added).

¹Section 2-17-100 deals with speaking engagements.

The Committee concludes that the proposed invitation in this case would violate the requirements of § 2-17-90(A)(1). The lobbyist's principal proposes to invite only those members who represent areas served by the principal. Though all members of a certain group are included, the group is not one of those specified in § 2-17-90. The lobbyist's principal may hold its function without violating § 2-17-90(A)(1) if it invites the entire Senate, or all the members of each committee, subcommittee, joint committee, legislative caucus or county legislative delegation represented at the function.

S. C. Code Ann. § 2-17-90(6) allows public officials to accept an invitation from a lobbyist's principal if the activity involved is "reasonably related to state or local economic development efforts."

The Committee understands that the function in question is a dinner honoring members who represent districts in which the lobbyist's principal does business. The Committee concludes that this function is not reasonably related to economic development efforts and, therefore, does not fall under the exception given in § 2-17-90(6).

In summary, the Committee holds that the invitation in question may not be legally extended by the lobbyist's principal nor accepted by a member under § 2-17-90.