

1978 WL 35248 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 30, 1978

***1 Re: Lobbyists—Health Systems Agencies**

Mr. J. Richard Coney
Deputy Commissioner
Office of State Health Planning & Development
State Park

Dear Mr. Coney:

You have requested an opinion from this Office as to whether staff members and directors of Health Systems Agencies, (HSA's), as created under Public Act 93-641, are required to register as lobbyists under state law. It is our opinion that they are.

[Section 2-17-10 et seq. of the 1976 Code of Laws of South Carolina](#) generally requires lobbyists to register with the Secretary of State. However, Section 2-17-50 specifically excepts from the registration requirement various groups including, among others, federal, state, and local government employees, when appearing only and solely on matters pertaining to their offices and public duties. None of the other exceptions provided in Section 2-17-50 appear, in my opinion, to have any application to this inquiry.

Although Public Act 93-641 provides alternative methods for creating Health Systems Agencies, it appears that in South Carolina all HSA programs are chartered by the Secretary of State as nonprofit, private corporations whose governing boards are composed principally of consumer representatives. Their relationship with state and federal governmental bodies, furthermore, is purely contractual. Accordingly, it must be concluded that HSA's are not governmental units and their employees are not government employees within the meaning of Section 2-17-50.

Therefore, it is the opinion of this Office that HSA employees, whether staff members or directors, are not excepted from the requirements of the South Carolina Lobbyists Act.

Very truly yours,

Richard P. Wilson
Assistant Attorney General

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