

SUBJECT: LOBBYIST PRINCIPAL PROVIDING EMERGENCY PREPAREDNESS PROGRAMS TO PUBLIC EMPLOYEES

SUMMARY:

Emergency responders would not be prohibited from attending an emergency preparedness training program and partaking a meal in conjunction with the program, however, those persons required to file a Statement of Economic Interests must report such meals thereon.

QUESTION:

The Legislative Coordinator for SCANA advises that a subsidiary, SCE&G has a nuclear generating plant and is required to hold annual training sessions that comply with the Nuclear Generating Plant Emergency Plan. These training sessions involve officials and employees of state and local law enforcement agencies, volunteer fire departments, emergency medical services, and state regulatory or administrative agencies. He questions whether it is appropriate to provide meals to attendees and, if so, what kind of reporting requirement exists.

DISCUSSION:

This opinion is rendered in response to a letter dated March 13, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

The Commission notes Section 8-13-705(A) and (B) which provides:

(A) A person may not, directly or indirectly, give, offer, or promise anything of value to a public official, public member, or public employee with the intent to:

- (1) influence the discharge of a public official's, public member's, or public employee's official responsibilities;
- (2) influence a public official, public member, or public employee to commit, aid in committing, collude in, or allow fraud on a governmental entity; or
- (3) induce a public official, public member, or public employee to perform or fail to perform an act in violation of the public official's, public member's, or public employee's official responsibilities.

(B) A public official, public member, or public employee may not, directly or indirectly, knowingly ask, demand, exact, solicit, seek, accept, assign, receive, or agree to receive anything of value for himself or for another person in return for being:

- (1) influenced in the discharge of his official responsibilities;

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- (2) influenced to commit, aid in committing, collude in, allow fraud, or make an opportunity for the commission of fraud on a governmental entity; or
 - (3) induced to perform or fail to perform an act in violation of his official responsibilities.

It does not appear that such training is being offered to influence an official action but is offered as a cooperative effort to improve emergency response operations.

The Commission also calls attention to Section 8-13-710 which provides in part as follows:

(A) Unless provided by subsection (B) and in addition to the requirements of Chapter 17 of Title 2, a public official or public employee required to file a statement of economic interests under Section 8-13-1110 who accepts anything of value from a lobbyist's principal must report the value of anything received on his statement of economic interests pursuant to Section 8-13-1120(a)(9).

(B) A public official, public member, or public employee required to file a statement of economic interests under Section 8-13-1110 who receives, accepts, or takes, directly or indirectly, from a person, anything of value worth twenty-five dollars or more in a day and anything of value worth two hundred dollars or more in the aggregate in a calendar year must report on his statement of economic interests pursuant to Section 8-13-1120 the thing of value from:

- (1) a person, if there is reason to believe the donor would not give the thing of value but for the public official's, public member's, or public employee's office or position;
- (2) a person, or from an officer or director of a person, if the public official, public member, or public employee has reason to believe the person:
 - (a) has or is seeking to obtain contractual or other business or financial relationships with the public official's, public member's, or public employee's governmental entity.
 - (b) conducts operations or activities which are regulated by the public official's, public member's or public employee's governmental entity.

Thus, if the public officeholder or employee is required to file a Statement of Economic Interest, such meals, if they exceed \$25 per day or \$200 per year, are to be thereon disclosed in accordance with this section.

The Commission does not believe that a meal served at such training program violates Section 8-13-705.