



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

August 21, 2000

The Honorable Edie Rodgers
Member, House of Representatives
72 Wade Hampton Boulevard
Beaufort, South Carolina 29902

RE: Informal Opinion

Dear Representative Rodgers:

By your letter of July 30, 2000, you have requested an opinion of the Office of the Attorney General regarding term limits for members of the Beaufort County Transportation Committee.

By way of background you provide the following information: House Bill 5112 was filed late in the session this year as a response to the Beaufort County Transportation Committee's request to raise the amount of their allowed administrative expenses. In addition to allowing for greater expenses, the bill also set term limits for members of the Committee. The bill passed and was quickly signed by the Governor. A member of the Committee has now questioned the authority to set term limits for those already serving, and you ask for an opinion of this Office for clarification.

County transportation committees are created to oversee the expenditure of "C" funds, pursuant to S.C. Code Ann. § 12-28-2740. Section 12-28-2740 does not contain any provisions setting forth a term of office for an individual appointed to the county transportation committee. Additionally, the statute contains no provision setting forth the power to remove an individual appointed to the county transportation committee. However, § 12-28-2740 (O) authorizes the legislative delegation by resolution to abolish the committee and devolve its powers. By subsequent resolution the legislative delegation may reestablish the committee. There appears to be no restriction on the legislative delegation's ability to limit the terms of the committee members. Given the delegation's statutory authority to abolish completely the transportation committee, individual members appear to have no vested right to remain on the committee for an unlimited number of terms. Thus, the presently serving members are not immune from the application of the statute.

The question remains, however, how the change in the law takes into account the current terms of the presently serving members. Section 2 of House Bill 5112 states, in part: