

The State of South Carolina



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June 16, 1992

Kay Clamp, Manager of Public Affairs
South Carolina State Development Board
Post Office Box 927
Columbia, South Carolina 29202

Dear Ms. Clamp:

You state that S.C. Code Ann. § 44-96-70 of the Solid Waste Management Act requires the Recycling Market Council to provide the Governor and the General Assembly with an initial report which is due fifteen months after the Act became effective. You also state that the report due date is August, 1992 but that all of the appointments to the Board were not finalized until June, 1992. You ask whether the Recycling Market Council is bound by the August, 1992 report date even though the Council was not fully formed until June, 1992.

S.C. Code Ann. § 44-96-70, which became effective May 27, 1991, provides for the establishment within the State Development Board of the Recycling Market Development Council "to assist in the development of markets for recovered materials and products with recycled content...". The members of the council were to be appointed not later than ninety days after the chapter became effective. S.C. Code Ann. § 44-96-70(B) and (C). The council is required by the statute to provide, no later than fifteen months after the effective date of the chapter, an initial report to the Governor and General Assembly which shall address at least twelve specified subjects. S.C. Code Ann. § 44-96-70(F). The statute also requires that the Council make annual reports which are to include, among other matters, any revisions to the initial report. S.C. Code Ann. § 44-96-70(G)(4).

In the construction of statutes, it is necessary to discern the intent of the Legislature. Spartanburg Sanitary Sewer District v. City of S'burg, 283 S.C. 67, 321 S.E.2d 258 (1984). Also, "where terms of a statute are

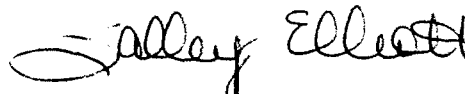
Ms. Clamp
Page 2
June 16, 1992

clear and unambiguous, there is no room for interpretation and (the terms must be applied) according to their literal meaning." S.C. Dept. of Highways and Public Transportation v. Dickenson, 288 S.C. 134, 341 S.E.2d 134 (1986).

As the statute under consideration here is specific as to the initial report due date, as it requires submission of the report fifteen months from the date the act became effective rather than from the date of appointment of council members, and as there is no provision which allows for delay of the initial report, it appears the Council must comply with the statutory reporting requirement and submit an initial report by August 27, 1992. Of course, the law also provides for additions, improvements and refinements to the initial report in the annual reports to be made at the end of each calendar year. Thus, the statute contains a mechanism to enable the Council to supplement the initial report, if sufficient time is not available to file a report as thorough as the Council might desire, despite its best efforts toward finalization.

I hope that I have been responsive to your inquiry. Please contact me if I can be of further assistance.

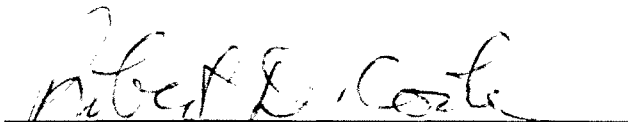
Sincerely,



Salley W. Elliott
Assistant Attorney General

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REVIEWED AND APPROVED BY:



Robert D. Cook
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