

1977 S.C. Op. Atty. Gen. 48 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-48, 1977 WL 24391

Office of the Attorney General

State of South Carolina

Opinion No. 77-48

February 4, 1977

*1 The Honorable T. W. Edwards
Member
House of Representatives
Box 2603
Spartanburg, South Carolina 29302

Dear Mr. Edwards:

You have inquired whether the First Vice Chairman of the Ways and Means Committee may serve as a member of the State Budget and Control Board in the absence of the Chairman.

Section 1–351 of the Code of Laws, 1962, provides that membership on the State Budget and Control Board shall include ex officio ‘the Chairman of the Ways and Means Committee of the House of Representatives.’

The Rules of the House provide that:

‘All Committees shall be appointed by the Speaker—and the Chairman shall be elected by the several Committees. The Committee may, at its discretion, elect a Vice Chairman—.’

The obvious intent of the statute creating the Budget and Control Board is to provide that the Ways and Means Committee of the House and the Finance Committee of the Senate be represented upon the Board by the chief spokesmen of those Committees. Correspondingly, the obvious intent of the authorization to the Committee of the House to elect not only a Chairman but Vice Chairman was to provide for the contingency of the absence or disability of the Chairman. In all areas of administrative organization, provision is invariably made for such a contingency in order to avoid a disruption of the governmental process merely by reason of the absence or disability of the chief officer of a city, county, committee, board, agency, etc.

It is my opinion that the First Vice Chairman automatically succeeds to membership on the Budget and Control Board upon the absence or incapacity of the Chairman of the Committee and may exercise the duties, powers and responsibilities of the Chairman in all respects, including ex officio membership upon such agencies as the Budget and Control Board. To make doubly certain and to remove any question, I am enclosing herewith a draft of a proposed Rule which the Ways and Means Committee may wish to adopt, which would have the effect of providing in precise terms for the contingency of succession.

Very truly yours,

Daniel R. McLeod
Attorney General

PROPOSED COMMITTEE RULES WAYS AND MEANS COMMITTEE

In the absence or disability of the Chairman, the First Vice Chairman shall become Chairman and shall exercise all the duties and responsibilities thereof until the absence or incapacity of the Chairman shall be removed.

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