

1976 WL 30633 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 30, 1976

***1** One may serve as an officer of the State and be a member of the State Advisory Committee on Agricultural and Forest Lands Conservation and Management without violating the dual office holding provisions of the State Constitution.

Land Resources Conservation Commission

QUESTION PRESENTED:

Does Membership on the State Advisory Committee on Agricultural and Forest Lands Conservation and Management constitute an office under South Carolina Constitution Article XVII, Section 1A?

AUTHORITIES INVOLVED:

Recommendations . . . 1973 Agriculture Forestry Seminar (minutes);

[Sanders v. Belue](#), 78 S.C. 171, 58 S.E. 762 (1907);

1969 Op.A.G. P. 289;

South Carolina Constitution Article XVII, Section 1A.

DISCUSSION OF ISSUES:

The State Advisory Committee on Agricultural and Forest Lands Conservation and Management (hereinafter 'Committee') was created pursuant to recommendation of the 1973 Agriculture Forestry Seminar. Recommendations . . . 1973 Agriculture Forestry Seminar (minutes). The participating members of the Seminar advised that such an advisory board be established by the Land Resources Conservation Commission.

The Committee members are appointed by the Land Resources Conservation Commission (hereinafter 'Commission') from private and commercial landowners nominated by some six different boards or officers. There is no set term and there are no prescribed duties or powers.

As such, the Committee is merely an advisory board for the Commission. There is no legislative or other grant of power or duties to the Committee and the sole function is to make non-binding recommendations to the Commission.

Membership on the Committee does not constitute an office under the definition expressed in [Sanders v. Belue](#), 78 S.C. 171, 58 S.E. 762 (1907):

'One who is charged by law with duties involving an exercise of some part of the sovereign power, either small or great, in the performance of which the public is concerned, and which are continuing and not occasional or intermittent, is a public officer.' P. 174 of 78 S.C.

The members of the Committee serve in an advisory role only and do not exercise any portion of the sovereignty, therefore, membership does not fall under the proscriptions of Article XVII, Section 1A of the South Carolina Constitution. (cf. 1969 Op.A.G. 289).

CONCLUSION:

One may properly serve as an officer and be a member of the State Advisory Committee on Agricultural and Forest Lands Conservation and Management.

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