

1976 S.C. Op. Atty. Gen. 93 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4277, 1976 WL 22897

Office of the Attorney General

State of South Carolina

Opinion No. 4277

March 2, 1976

*1 Mr. Jack S. Mullins
S. C. Budget & Control Board
Personnel Division
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Mr. Mullins:

Your question concerning whether or not the Budget and Control Board policies and procedures relating to the approval of dual employment or dual compensation in accordance with the following Act applied to the South Carolina General Assembly has been handed to me for reply.

Section 100 of the FY1976 Appropriations Act reads as follows:

‘Provided, Further, That no employee of any state department shall be paid any compensation from any other department of the state government except with the approval of the State Budget & Control Board, and no employee of any department or institution shall be paid travel expenses by any other department or institution without approval of the agency by which he is regularly employed.’

This proviso would not apply to the General Assembly. This section of the Act is pertaining to ‘departments’ of the State Government. Under the definition of a ‘department of government’ as used in statutes, this phrase is usually held to mean an executive or administrative department unless the context shows the term ‘department’ was intended to describe the three branches (departments) of government—executive, legislative or judicial. [Reed v. Franke, \(C.A.Va.\) 297 F.2d 17, 22; U.S. v. Bramblett \(App. D.C.\) 75 S.Ct. 504, 506, 348 U.S. 503, 99 L.Ed. 594.](#)

The statute itself does not show that the Legislature meant for this Act to apply to other than administrative or executive departments. Thus this Act does not apply to the General Assembly.

If we can be of any other service, please let us know.

Sincerely,

A. Camden Lewis
Assistant Attorney General

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