

1979 WL 43068 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 14, 1979

*1 Honorable Allen R. Carter
State Senator
State House
Columbia, South Carolina

Dear Senator Carter:

You have requested an opinion as to whether the Joint Legislative Committee on Energy would be responsible for the payment of per diem and subsistence to members of the Nuclear Advisory Council.

The Nuclear Advisory Council's powers were, in 1979, devolved upon the Joint Legislative Committee on Energy; see my letter of March 26, 1979, which discusses the relationship of the Joint Committee on Energy to the Nuclear Advisory Council. However, paragraph D of Section 19 of Part II of the 1978-1979 Appropriations Act, which created the Joint Committee on Energy, provided that:

'The Nuclear Advisory Council shall be maintained and the staff shall be transferred to and responsible to a Joint Legislative Committee on Energy.'

At present, the 1979-80 General Appropriations Act contains within its permanent provisions a section to establish the Nuclear Advisory Council. This section is essentially the same as the Act which first created the Council several years ago. It makes no reference to the Joint Legislative Committee on Energy. The 1979-1980 Appropriations Act contains no appropriation for the Nuclear Advisory Council.

It is my opinion that passage of the aforementioned new section creating the Nuclear Advisory Council would not have the effect of requiring the Joint Committee on Energy to pay per diem and subsistence to Nuclear Advisory Council members. The purpose of the above-quoted paragraph which refers to the maintenance of the Nuclear Advisory Council means only that the Council shall continue to exist; it does not contain any authority for the Joint Legislative Committee on Energy to pay per diem and subsistence to the Nuclear Advisory Council. Rather, the Council is empowered to meet and advise, this power being limited by whatever funds are budgeted to it specifically under its own name.

Sincerely yours,

Daniel R. McLeod
Attorney General

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