

1979 WL 43224 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 27, 1979

*1 Mr. Henry P. Fulmer
Deputy Director
S. C. Land Resources Conservation Commission
2221 Devine Street
Suite 222
Columbia, South Carolina 29205

Dear Mr. Fulmer:

You have recently requested an Opinion of this Office concerning the effect of the termination provisions contained in [Section 1-20-50, 1976 Code of Laws of South Carolina](#) (as amended), upon the Board of Landscape Architectural Examiners. In particular, you have inquired as to whether it would be necessary for the General Assembly to act upon all of that Board's individual statutes or whether a more general act would be sufficient to keep the Board in existence past June 30, 1980.

In 1978, the South Carolina General Assembly passed legislation entitled 'An Act to Establish a System For the Review, Termination, Continuation or Reestablishment of State Agencies, Boards, Departments and Commissioners.' [Sections 1-20-10, et seq., 1976 Code of Laws of South Carolina](#) (as amended). A portion of that Act, which is found at [Section 1-20-50 of the Code](#), provides that the programs and functions of the Board of Landscape Architectural Examiners shall be terminated on June 30, 1980. However, [Section 1-20-60 of the Code](#) provides, in part, as follows:

The existence of any State agency that may be scheduled for termination under this Act may be reauthorized by the General Assembly for periods not to exceed six years, excluding the year of termination.

Therefore, although this Act calls for the termination of the Board of Landscape Architectural Examiners in 1980, there is a specific provision in the Act providing the General Assembly with the authority to reauthorize the existence of any State agency scheduled for termination.

Although the Act in question clearly provides for the termination of certain agencies, such as the Board of Landscape Architectural Examiners, it does not provide for the termination or repeal of specific statutes. For that reason, it would not appear necessary for the General Assembly to re-enact all of the various statutes pertaining to the Board of Landscape Architectural Examiners. Rather, the language of [Section 1-20-60 of the Code](#) would indicate that the General Assembly need only reauthorize the existence of the Board of Landscape Architectural Examiners, which could be accomplished in one specific act to that effect.

Although there is very little law which can be found on this question, it should be noted that there is no prohibition contained in the South Carolina Constitution against adoption of a statute by reference. Furthermore, the general law appears to be to the effect that:

. . . the provisions of a law which has lapsed or has been repealed may be made a part of a new statute by referring to the law in general terms and without incorporating such provisions at length; reference may be made to an act which is repealed and succeeded by the act making the reference for the purpose of adopting provisions of the succeeded act; and repealed acts, some of which are invalid may be adopted by reference for purposes of identification.

*2 82 C.J.S., Statutes, Section 70. Finally, this type of general reference to other laws will not by itself render the new act void for vagueness. 82 C.J.S., Statutes, Section 68.

It is therefore the Opinion of this Office that, should the General Assembly decide to reauthorize the existence of the Board of Landscape Architectural Examiners, it would not be necessary to re-enact all of the various statutes pertaining to that agency. Rather, a more general reauthorization could be accomplished by the General Assembly, which would continue the Board of Landscape Architectural Examiners in existence beyond their scheduled date of termination.

Sincerely yours,

Keith M. Babcock
Assistant Attorney General

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