

1979 WL 43549 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 29, 1979

*1 The Honorable Allen R. Carter
Chairman
Joint Legislative Committee on Energy
Suite 513 Senate Gressette Building
Columbia, South Carolina 29202

Dear Senator Carter:

You have requested an opinion on the following question, which I quote from your letter of August 21, 1979:

What, if any, is the responsibility of the Joint Legislative Committee on Energy for the staff previously transferred from the Nuclear Advisory Council, now that the Council has been re-established as a separate entity in the most recent General Appropriations Bill, given the fact that the most recent permanent provision does not require nor provide that previous staff be re-hired by nor transferred to the re-established Council?

The Nuclear Advisory Council was first created by Act No. 302 of 1973. Its powers remained unaltered until the passage of the 1978-1979 Appropriations Act, which provided in Part II, Section 19, that the powers of the Nuclear Advisory Council were to be devolved on the Joint Legislative Committee on Energy. With respect to Nuclear Advisory Council staff, the same Act 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.’

In the 1979-1980 General Appropriations Act, Part II, Section 17, the General Assembly re-established the Nuclear Advisory Council, essentially re-enacting the 1973 legislation. In Section 38A of Part I of the same Act, the Nuclear Advisory Council was budgeted \$40,000.00 for ‘miscellaneous-general operations.’

While the 1979-1980 Appropriations Act is silent with respect to whether the staff of the Nuclear Advisory Council should now be transferred back to that Council, or at least no longer carried by the Joint Legislative Committee on Energy, it is apparent that in re-enacting the Nuclear Advisory Council's legislation and in appropriating it a not-insubstantial amount, the General Assembly must have intended that the Council possess some degree of independent existence. Such being the case, it is the opinion of this Office that the staff of the Nuclear Advisory Council should no longer have any connection with the Joint Legislative Committee on Energy. Further evidence that this result was intended is that the powers of the Council, which in 1978 were conferred on the Committee, are now impliedly removed from the Committee back to the Council; it is therefore only logical that the General Assembly intended that the Council's staff should follow the transfer of power.

Sincerely yours,

Daniel R. McLeod
Attorney General

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