

1979 WL 43604 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 20, 1979

*1 George L. Schroeder:
Legislative Audit Council
500 Bankers Trust Tower
Columbia, South Carolina 29201

Dear Mr. Schroeder:

You have requested an opinion as to whether the Legislative Audit Council is responsible for evaluating State motor vehicle use pursuant to § 24 of Part II of Act No. 644 of 1978. That section creates a Division of Motor Vehicle Management within the Budget and Control Board and authorizes a comprehensive state-wide motor vehicle management program. The sole mention of the Legislative Audit Council in Part, II § 24 of the Act is found in subsection (L), which provides as follows:

The Legislative Audit Council shall audit compliance by the Division of Motor Vehicle Management and the agencies with this section and publish its findings no later than April 1, 1979, and again by April 1, 1980.

By concurrent resolution dated July 26, 1979, the South Carolina General Assembly created a committee within the Legislature to study the regulations of the Division of Motor Vehicle Management requested that the Budget and Control Board delay implementation of those regulations until such time as the committee could examine them. The Budget and Control Board later complied with that request.

It does not appear that any legal question is raised by the above series of actions. The 1978 Act did not (except in the case of subsection (I), relating to financial matters) require the Budget and Control Board to implement regulations within any set period of time. The concurrent resolution therefore does not conflict with the earlier statute.

It therefore appears that the duties of the Legislative Audit Council under subsection (L) are to audit compliance with such rules for motor vehicle use as were effected by the statute itself (without the need for the promulgation of regulations), and to audit compliance with the regulations, if any, which the Board has adopted and implemented pursuant to the Act.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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