

1978 S.C. Op. Atty. Gen. 69 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-43, 1978 WL 27416

Office of the Attorney General

State of South Carolina

Opinion No. 78-43

March 7, 1978

*1 Exofficio membership of legislators on South Carolina

Reinsurance Facility constitutionally acceptable.

Honorable Edward E. Saleeby

Chairman

Joint Legislative Automobile Liability

Insurance study Committee, S.C. Senate

Dear Senator:

Your letter of March 2, 1978, requests my opinion on the constitutionality of S-777, which relates to amendments to the statutes creating the Automobile Reinsurance Facility. You specifically refer to Section 2 of the bill which provides ex officio membership upon the Facility of the following:

A member of the Banking and Insurance Committee of the Senate; the Labor, Commerce and Industry Committee of the House of Representatives; and the Joint Legislative Automotive Study Committee of the General Assembly.

The governing principle as to the exercise by the Legislature of non-legislative functions is that the Legislature may properly engage in the discharge of such functions to the extent, and to the extent only, that their performance is reasonably incidental to the full and effective exercise of its legislative powers. The cases cited below exemplify the application of this principle.

In my opinion, the duties imposed upon the members of the committees named in the bill have a close relationship to the scope of the functions vested in the South Carolina Reinsurance Facility. Each of those committees is intimately concerned with matters relating to insurance, including the specific areas coming within the scope of the operation and cognizance of the Facility.

In my opinion, the duties imposed on the legislative members by virtue of ex officio membership upon the Facility are therefore incidental and reasonably related to their duties as members of the General Assembly. Ex officio membership in such circumstances is therefore constitutionally acceptable.

SEE:

State ex rel. McLeod v. Edwards, decided July 12, 1977

[Ashmore v. Greater Greenville Sewer District, 211 S.C. 77, 94, 44 S.E.2d 88](#)

[Spartanburg County v. Miller, 135 S.C. 348, 356, 132 S.E. 673](#)

[Bramlette v. Stringer, 186 S.C. 134, 195 S.E. 257](#)

[Dean v. Timmerman, 234 S.C. 35, 106 S.E.2d 665](#)

Daniel R. McLeod
Attorney General

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