

The State of South Carolina



Office of the Attorney General

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February 20, 1992

The Honorable L. Edward Bennett
Chairman
Agriculture, Natural Resources
and Environmental Affairs Committee
House of Representatives
P. O. Box 11867
Columbia, South Carolina 29211

Dear Representative Bennett:

In a letter to this Office you referenced that the recently enacted ethics legislation, Act No. 248 of 1991, prohibits legislators from serving on state boards and commissions except where specifically authorized. See: Section 8-13-770 of the Code. You stated however that pursuant to Section 50-3-10 of the Code, the Chairman of the House Agriculture, Natural Resources and Environmental Affairs Committee or his designee is permitted to serve on the State Wildlife and Marine Resources Commission. You stated that since such provision does not require that your designee be a member of the General Assembly would your appointment of a non-legislative member to the Commission be a violation of the referenced ethics legislation.

Another provision of Act No. 248 codified as Section 2-13-65 states:

The Code Commissioner is directed to delete all references to legislative members serving in any capacity as a member of a state board or commission, except as allowed in Section 8-13-770.

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Section 8-13-770 does not authorize an exception for the State Wildlife and Marine Resources Commission. As a result, Section 50-3-10 presently reads:

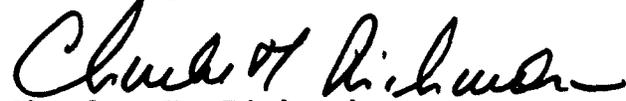
The head and governing board of the South Carolina Wildlife and Marine Resources Department shall be a commission to be known as the South Carolina Wildlife and Marine Resources Commission, which shall be composed of seven members, one from each congressional district in the State and one at large who shall be appointed by the Governor, by and with the advice and consent of the Senate.

As set forth, the provisions authorizing service by the chairman of the House Agriculture and Natural Resources Committee or his designee have been deleted.

Referencing such, you would not be authorized to serve on the State Wildlife and Marine Resources Commission or appoint an individual to serve as your designee to the Commission.

If there is anything further, do not hesitate to contact me.

Sincerely,



Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions