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# The State of South Carolina



## Office of the Attorney General

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August 30, 1988

William R. Moore, Director  
State of South Carolina  
Office of Environmental Certification Board  
2221 Devine Street, Suite 320  
Columbia, South Carolina 29205

Dear Mr. Moore:

By your letter of July 28, 1988, you have advised that legislation was adopted by the General Assembly in 1988 which changes the composition of the Environmental Certification Board. Referencing the terms of office of four members of the Board representing the Water and Pollution Control Association of South Carolina, you have inquired as to the status of those four members under the 1988 legislation. After a review of the relevant law, each individual's status will be reviewed.

Section 40-23-20 of the Code of Laws of South Carolina (1976) established the South Carolina Board of Certification for Environmental Systems Operators. Until the 1988 amendments, the Board was to consist of thirteen members, to be appointed by the Governor with advice from various groups, agencies, or individuals. Four of those members were to be recommended as stated above. Terms of these officers were to be for four years, not to exceed two terms; officers were to serve until their successors were appointed and qualified.

By Act No. 621, 1988 Acts and Joint Resolutions, the name of the Board was changed to the Environmental Certification Board, and the composition of the Board was increased to fourteen members to be appointed by the Governor with advice from various groups, agencies, or individuals. Only one member, who must hold an "A" wastewater certificate, will be recommended by the membership of the South Carolina Water Pollution Control Association, rather than four members.

Mr. Moore  
Page 2  
August 30, 1988

Section 2 of Act No. 621 provides the following:

The members of the South Carolina Board of Certification for Environmental Systems Operators with the members to be added are now the members of the South Carolina Environmental Certification Board and shall serve until the expiration of their terms. Their successors must be appointed as provided by Section 40-23-20.

In construing an act of the General Assembly, it is the primary objective of the courts and this Office to determine and give effect to legislative intent if at all possible. Bankers Trust of South Carolina v. Bruce, 275 S.C. 35, 267 S.E.2d 424 (1980). Words of a statute are to be given their plain and ordinary meanings. Worthington v. Belcher, 274 S.C. 366, 264 S.E.2d 148 (1980). Where the language of a statute is clear and unambiguous, its literal meaning must be applied. State v. Goolsby, 278 S.C. 52, 292 S.E.2d 180 (1982). The clear language of Section 2 of Act No. 621 of 1988 requires that members of the old Board serve until the expiration of their terms; at the expiration of their terms, successors will be appointed according to the provisions of new Section 40-23-20 of the Code.

Member "A," recommended by the South Carolina Water Pollution Control Association, was appointed for a term from December 6, 1984 to August 30, 1988.<sup>1/</sup> According to Section 2 of Act No. 621, his term will expire August 30, 1988.

Member "B," also recommended by the above association, was appointed for a term from July 10, 1984 to July 10, 1988. Act No. 621 of 1988 took effect on June 2, 1988, prior to expiration of this member's term. Thus, his term expired on July 10, 1988.

Member "C," also recommended by the above association, was appointed for a term from August 15, 1985 to July 10, 1989.<sup>2/</sup> His term will expire on July 10, 1989, according to Section 2 of Act No. 621.

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<sup>1/</sup> Certain of these terms of office are not for full four year terms. This Office accepts the facts as to terms of office and has not examined each individual member's terms for accuracy or to determine the reason for shortened terms of office.

<sup>2/</sup> See footnote 1.

Mr. Moore  
Page 3  
August 30, 1988

Member "D," also recommended by the above association, was appointed for a term from July 11, 1987 to July 10, 1991. His term will expire on July 10, 1991, according to Section 2 of Act No. 621.

That the above association will actually have two recommendations for awhile was apparently contemplated by the General Assembly in its adoption of Section 2 of the act. The association would not be in a position to recommend another Board member until the expiration of the term of Member "D," unless Section 40-23-20 is amended in the interim.

We trust that the foregoing has adequately responded to your inquiry. Please advise if clarification or additional assistance should be needed.

With kindest regards, I am

Sincerely,

*Patricia D. Petway*

Patricia D. Petway  
Assistant Attorney General

PDP/an

REVIEWED AND APPROVED BY:

  
Robert D. Cook  
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