

1974 WL 27942 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 28, 1974

*1 Mrs. Sylvia W. Orange
Clerk of the House
House of Representatives
State House
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mrs. Orange:

The Attorney General has referred your letter of August 26, 1974, to me for answer. You pose two questions: 1) Does the Second Proviso of Section 80 of the 1974 Appropriation Act, R. No. 1314 mean that committees being paid from the Approved Accounts from both Houses and not spending the amount provided for them in the concurrent resolutions would have that amount carried forward for the year 1974-75; 2) Is the committee to study public and private services, programs and facilities for aging created by H. No. 1286 of 1969 to receive appropriations both from concurrent resolutions S-948, adopted June 20, 1974, to be paid from the Approved Accounts of both Houses and from Section 80, Item 48 of the 1974-75 Appropriation Act.

As to your first question, the Second Proviso of Section 80 of the 1974-75 Appropriation Act reads as follows: Provided, Further, That any unexpended appropriated funds for Legislative Committees on June 30, 1974, shall be carried forward and made available to the committees during 1974-1975.

Since this Proviso is part of Section 80, it, in our view only refers to any unexpended appropriated funds for legislative committees listed in Section 80 of the 1974-75 Appropriation Act. The Proviso in Section 80 has no effect on the Approved Accounts of both the Senate and House which are appropriated under Section 3, Item 1, A, 05 and Section 3, Item 2, A, 05, respectively. Therefore, the only funds that may be carried forward under this Proviso are those unexpended funds appropriated under Section 80 of the Appropriation Act.

As to your second question, it is the opinion of this Office that the Committee on Aging is limited to the amount of \$10,000 appropriated to it under Section 80, Item 48 of the 1974-75 Appropriation Act. Concurrent resolution S.948 was adopted June 20, 1974. The presumption is that both Houses were aware of the resolution when they enacted the Appropriation Act appropriating the sum of \$10,000 to the committees. Inasmuch as the latter sum is appropriated by an act of the General Assembly, the Committee is restricted to that amount. Unlike an act, a concurrent resolution, does not have the force and effect of law. See, [State ex rel. Lyon v. Columbia Water Power Company 90 S. C. 568 \(1911\)](#). Therefore, the Committee on Aging is only entitled to the \$10,000 under the Appropriation Act.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

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