

The State of South Carolina



Office of the Attorney General

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October 18, 1988

Eugene A. Laurent, Ph.D.
Executive Director
State Health and Human Services
Finance Commission
Post Office Box 8206
Columbia, South Carolina 29202-8206

Dear Dr. Laurent:

By your letter of October 6, 1988, you have asked for the opinion of this Office as to whether a member of the Health and Human Services Finance Commission who has served an initial two-year term and a consecutive four-year term may be reappointed to another consecutive four-year term.

Section 44-6-10, Code of Laws of South Carolina (1976, as revised), provides the following as to membership on the Commission:

The terms of the members are for four years and until their successors are elected and qualify, except that the initial members from the first, third, and fifth congressional districts must be elected for terms of two years each. ... [N]o member shall serve more than two consecutive terms.

Thus, a staggered scheme of commission membership has been established.

The phrase "term of office" connotes a fixed and definite period of time. See 63A Am.Jur.2d Public Officers and Employees § 66. Accord State ex rel. Williamson v. Wannamaker, 213 S.C. 1, 48 S.E.2d 601 (1948); State ex rel. Rushford v. Meador, 267 S.E.2d 169 (W.Va. 1980). In Section 44-6-10 of the Code, the General Assembly distinguishes between the terms of office of the members appointed to the initial Commission and members appointed after the initial

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Commission. The terms of office for members of the initial Commission are specifically designated as two years for the initial members from the first, third, and fifth congressional districts. After appointment of the initial Commission, all terms of office are prescribed to be four years.

Based on the foregoing, a member of the initial Commission from the first, third, or fifth congressional district who served a two-year term would be deemed to have served a full initial term. A subsequent appointment to a consecutive four-year term would then be a second term. A member of the Commission who has been so appointed would not thus be eligible for reappointment to another consecutive four-year term, though of course he would be eligible for appointment to a non-consecutive term at a future date. This opinion is in accord with Op. Atty. Gen. No. 85-87, dated August 16, 1985, a copy of which is enclosed.

With kindest regards, I am

Sincerely,

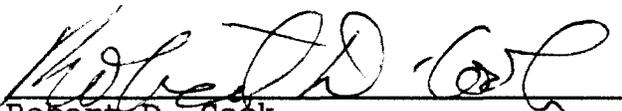
Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/an

Enclosure

REVIEWED AND APPROVED BY:


Robert D. Cook
Executive Assistant for Opinions