

1977 S.C. Op. Atty. Gen. 35 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 7731, 1977 WL 24374

Office of the Attorney General

State of South Carolina

Opinion No. 77-31

January 24, 1977

*1 Those deputies who are appointed under Code Section 53–72.1 should not be counted in determining the maximum number of deputies appointable under Code Section 53–72.

TO: William B. Regan
Corporation Council
City of Charleston

QUESTION PRESENTED:

Are the deputies authorized by Section 53–72.1 of the 1962 Code of Laws of South Carolina, as amended, to be considered in computing the maximum number of deputies authorized by Section 53–72 of the 1962 Code of Laws of South Carolina, as amended?

STATUTES INVOLVED:

Section 53–72.1—1962 Code of Laws of South Carolina, as amended.

Section 53–72—1962 Code of Laws of South Carolina, as amended.

DISCUSSION OF ISSUE:

Code Section 53–72 authorizes a maximum of ten deputies to be appointed in Charleston County, their salaries to be set and paid by the governing body of the County and their jurisdiction to be general. Code Section 53–72.1 authorizes deputies of limited jurisdiction (limited to property owned or controlled by the Housing Authority of the City of Charleston) whose salaries are to be fixed and paid by the Housing Authority. Procedures differ markedly for removal of the two classes of deputies. Inasmuch as different Acts created each group, different entities pay each group's salaries, different jurisdictions are provided, and different removal procedures are mandated, it appears certain that the two Acts establish separate and distinct groups of deputies, the members of one such group not to be included in the computation of the other group.

CONCLUSION:

Those deputies who are appointed under Code Section 53–72.1 should not be counted in determining the maximum number of deputies appointable under Code Section 53–72.

Richard P. Wilson
Assistant Attorney General

1977 S.C. Op. Atty. Gen. 35 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 7731, 1977 WL 24374

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.