

The State of South Carolina



Office of the Attorney General

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August 11, 1993

The Honorable Roger M. Young
Member, House of Representatives
320A Blatt Building
Columbia, SC 29211

Dear Representative Young:

You have requested the opinion of this Office as to whether Act 581, 1984 S.C. Acts 3221, unconstitutionally limits the authority of the Governor to remove elected officials from office and gives it, instead, to a local government entity. This statute provides, in part, as follows:

"...[A]ny member who is absent from five consecutive meetings of the board [of trustees of the Charleston County School District] within one year without just cause may be removed from the board upon a majority vote of the members...."

The South Carolina Constitution contains no provisions giving the Governor authority to remove these officers. See S.C. Const. Arts. IV and XI. Therefore, no provision in the Constitution relating to the Governor's powers bars legislation concerning the removal of members of the board of trustees by the board. This letter does not address statutory provisions concerning the Governor's removal of various public officers in that you have not raised any such questions and in that Act 581 is, of course, itself, a statute specifically addressing this matter. This letter

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addresses only the question of whether Act 581 conflicts with any
Constitutional provisions concerning the Governor's powers.

I hope that this information is of assistance to you.

Yours very truly,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

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REVIEWED AND APPROVED BY:

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