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November 8, 1993

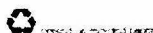
The Honorable Carole C. Wells, Chairman
Spartanburg County Legislative Delegation
Room 1210
366 North Church Street
Spartanburg, South Carolina 29303

Dear Representative Wells:

You have inquired as to what authority the Spartanburg County Legislative Delegation has concerning the removal of board members, particularly referencing the Commission for Higher Education. You further asked exactly what authority the statutes relating to that entity give the Delegation.

To determine what authority the Delegation has, in relation to any board, it is necessary to examine the statutes relative to that board. The Spartanburg County Commission for Higher Education was created by Act No. 36, 1967 Acts and Joint Resolutions. As initially established, seven members were to be appointed "by the Governor on the recommendation of a majority of the members of the House of Representatives from Spartanburg County and the Senators of District No. 4." Appointment was to be for terms of four years and until successors were appointed and qualified. No provision is made within that act for removal of commission members.

Act No. 36 of 1967 was amended first by Act No. 263, 1981 Acts and Joint Resolutions. The number of commission members was increased to nine. The appointment process and term of office remained unchanged. Again, no provision was included for removal of commission members. Act No. 36 of 1967 was most recently amended by Act No. 202, 1991 Acts and Joint Resolutions. Membership was increased to fifteen commissioners, with the appointment procedure and term of office remaining the same. No provision for removal of commissioners was made. (Copies of all referenced acts are enclosed for your review.)



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Our review of these statutes shows that the Spartanburg County Legislative Delegation has the power or authority to recommend individuals to the Governor for his appointment to the Commission. These statutes do not give the Delegation any authority with respect to removal of Commission members. Because the Governor exercises the final step to complete the appointment process, interested parties may wish to contact the Governor's Office about this matter.

We trust that this has satisfactorily responded to your inquiry. Please advise if you need clarification or additional assistance.

With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/an
Enclosures

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions