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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

June 12, 1997

Edgar Dyer, University Counsel
Coastal Carolina University
P. O. Box 1954
Conway, South Carolina 29526

Re: Informal Opinion

Dear Mr. Dyer:

You have advised that one of Coastal Carolina University's board members is not seeking re-election. Moreover, there are two individuals who wish to fill this seat; however, the General Assembly did not hold an election this year for this position. The individual who currently occupies the seat is willing to serve until his successor is elected. You have asked whether this member may remain in the seat until the General Assembly chooses his successor, which would presumably be during the 1998 Legislative Session.

As you stated in your letter, S.C. Code Ann. § 59-136-110 provides in relevant part:

The term of office of an elective trustee commences on the first day of July of the year in which the trustee is elected and all members shall serve until their successors are elected or appointed and qualify. (Emphasis added.)

In interpreting a statute, the primary purpose is to ascertain the intent of the General Assembly. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). The enactment should be given a reasonable and practical construction, consistent with the purpose and policy expressed in the statute. Hay v. S.C. Tax Comm., 273 S.C. 269, 255 S.E.2d 837 (1979). Words used therein should be given their plain and ordinary meaning, unless

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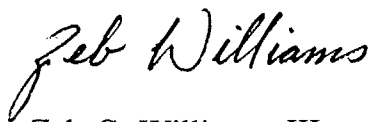
something in the statute requires a different interpretation. First South Sav. Bank, Inc. v. Gold Coast Assoc., 301 S.C. 158, 390 S.E.2d 486 (Ct. App. 1990).

In the present situation, § 59-136-110 unambiguously requires board members to serve for their terms and "until their successors are elected or appointed and qualify." Citing the decision of the South Carolina Supreme Court in Rogers v. Coleman, 245 S.C. 32, 138 S.E.2d 415 (1964), prior opinions of this Office have determined that such language mandates that an incumbent officer is obligated to continue to discharge the duties of his office until his successor is appointed and qualifies. See, Ops. Atty. Gen. dated December 22, 1988; September 23, 1980; and April 14, 1980. Consistent with these earlier decisions, it is our opinion that the board member in question should continue to hold office until his successor is elected and qualified.

This letter is an informal opinion only. It has been written by a designated Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I am

Very truly yours,



Zeb C. Williams, III
Deputy Attorney General

ZCW,III/an