

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE: 803-734-3680
FACSIMILE: 803-253-6283

May 16, 1991

William R. Moore, Director
Environmental Certification Board
2221 Devine Street, Suite 320
Columbia, South Carolina 29205

Dear Bill:

You have asked whether members of your current Board, who served terms on the previous Board which was dissolved, may serve another term. We conclude that they may.

Act No. 621 of 1988 provides:

"The members of the South Carolina Board of Certification for Environmental Systems Operators with the members to be added are now the members of the South Carolina Environmental Certification Board and shall serve until the expiration of their terms. Their successors must be appointed as provided by Section 40-23-20." (Emphasis added)

This Act changed the name of the Board.

Section 1 of 1989 Act No. 185, effective June 8, 1989, reauthorized the Environmental Certification Board for six years.

Section 3 of 1989 Act No. 185 provides:

The terms of the members holding office on the effective date of this act expire on July 1, 1989. Of the members first appointed pursuant to Section 40-23-20 of the 1976 Code, as amended by this act, one representa-

William R. Moore

Page 2

May 16, 1991

tive of the certified water operators, one representative of the certified wastewater operators, the representative of the Water Resources Commission, and the representative of the Department of Health and Environmental Control shall serve for two years and all other initial appointments to the board are for four years. Successors to the board after the initial appointments shall serve for four years, not to exceed two terms and until successors are appointed and qualify, as provided by Section 40-23-20.

This Office issued Opinion No. 86-20 dated February 10, 1986, in which the matter of Board terms was discussed. We said there:

The term "initial" means "that which begins or stands at the beginning." Black's Law Dictionary 704 (5th Ed. 1979). It appears that appointment of an entirely new board of directors, rather than continuation of terms of office past June 30, 1986, was contemplated by the language of Section 20-7-2379; we also note that staggered terms for these board members are being established, a departure from the manner in which the terms of former board members were set up. Thus, terms of the present board members would expire on June 30, 1986, and new appointments, effective July 1, 1986, would be required.

Similarly, in this situation, the 1989 Act terminated the tenure of the old Board members and called for the appointment of new members appointed under the new law (S.C. Ann. §40-23-20 (Supp. 1990)) with two-year terms for certain classes and four year terms for all other initial appointments, providing that thereafter, successors to the initial appointments would serve for four years, not to exceed two terms.

Thus, terms of the old Board expired July 1, 1989. A new Board was created and new membership terms established thereby. Therefore, persons serving on the present board who were members of the dissolved board, are considered "initial" appointees to the present board and are thus entitled to serve another term as provided by law.

William R. Moore
Page 3
May 16, 1991

I hope this answers your question.

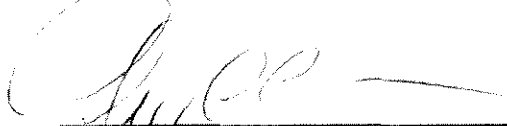
Sincerely,



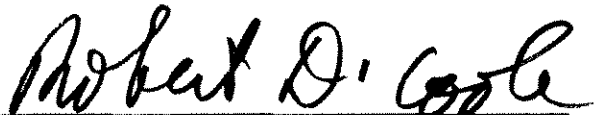
Alice C. Broadwater
Assistant Attorney General

ACB/fg

REVIEWED AND APPROVED BY:



Edwin E. Evans
Chief Deputy Attorney General



Robert D. Cook
Executive Assistant for Opinions