

1983 WL 181763 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 22, 1983

\*1 The Honorable Ralph H. Ellis  
Member  
South Carolina Senate  
Post Office Box 142  
Columbia, South Carolina 29202

Dear Senator Ellis:

You have asked for an opinion from this office as to the responsibility which the Horry County Legislative Delegation has for appointments to county boards and commissions. In 1978, the General Assembly enacted a statute which provided that All authority to appoint or recommend for appointment county boards, commissions, and committees of Horry County and the governing bodies of special purpose districts in Horry County previously vested in the County Legislative Delegation, except where the general law prescribes otherwise, it is hereby transferred to the governing body of the county.' § 2, Act 775, South Carolina Acts and Joint Resolutions, 1978.

You have asked about the appointment of members to seven specific boards and commissions. First, the Horry County Election Commission is provided for by [§ 7-13-70, Code of Laws of South Carolina](#), 1976. This is a general law provision by which the Governor makes appointments 'upon the recommendation of the Senator and at least one half of the members of the House of Representatives from the respective counties'. This provision is governed in turn by § 2-7-40, *supra*, to require that, for Horry County, the recommendation be made by one half of the members of the House of Representatives, and at least two senators from the multi-county senatorial district which includes Horry County.

Second, the Voter Registration Board is provided for in §§ 7-5-10, 20, *supra*. These appointments are made by the Governor, by and with the advice and consent of the Senate. Therefore, there is no direct provision for recommendations by the delegation.

Third, the Horry County Board of Social Services is provided for in § 43-3-10, *supra*. The members are to be appointed by the Governor upon the recommendation of a majority, including the Senator, of the County Legislative Delegation. This general law provision is governed again by § 2-7-40, *supra*, and would require a recommendation by at least one half of the members of the House or Representatives from Horry County, and at least two Senators from the multicounty senatorial district.

Fourth, the Horry-Georgetown Commission for Technical Education is provided for in a special act codified at § 59-53-810, *supra*. Since it is a special act, the recommendations for appointments to this Commission were transferred to Horry County Council by Act No. 775, South Carolina Acts and Joint Resolutions, 1978. Therefore, the Delegation would make no recommendations as to this Commission.

Fifth, the Horry County Forestry Board is provided for in § 48-33-50, *supra*. This general law provides that appointments are made by the State Commission of Forestry on the recommendation of the County Legislative Delegation in the House of Representatives and the senator from such county. This provision would be governed again by § 2-7-40, *supra*. Therefore, the recommendations would be made by one half of the County Legislative Delegation and by two of the senators from the senatorial district.

\*2 Sixth, the Grand Strand Water and Sewer District is provided for in Act No. 337, South Carolina Acts and Joint Resolutions, 1971. Since this is a special act, the recommendations for appointments to this commission were transferred to the Horry County Council by Act No. 775, South Carolina Acts and Joint Resolutions, 1978. Therefore, the delegation would make no recommendations as to this commission.

Seventh, the Waccamaw Regional Planning and Development Council was created in 1971 by Agreement of the counties pursuant to Act No. 487, South Carolina Acts and Joint Resolutions, 1967. Members are to be appointed by the respective county legislative delegations. This Agreement, however, is most probably governed by Act No. 755, South Carolina Acts and Joint Resolutions, 1978. Therefore, the appointment power is transferred to the Horry County Council.

Finally, when the appointment or recommendation power for a particular board or commission remains with the Horry County legislative delegation, the appointment or recommendation is to be made by act least one-half of the members of the House of Representatives from Horry County and by at least two of the four senators from the multi-county senatorial district which includes Horry County. § 2-7-40, supra.

Sincerely yours,

T. Travis Medlock  
Attorney General

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