

1983 WL 181887 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 16, 1983

\*1 The Honorable Robert B. Brown  
Member  
House of Representatives  
P. O. Box 11867  
Columbia, South Carolina 29211

Dear Representative Brown:

You have inquired as to how many Senators and House members would constitute a 'majority' for the purpose of recommending the appointment of a county veterans affairs officer under the provisions of [Section 25-11-40, South Carolina Code of Laws, 1976](#). This section provides that the Director of Veterans Affairs shall appoint a county veterans affairs officer 'subject to the recommendation of a majority of the Senators representing the county and a majority of the House members . . .'

The term 'majority' means the greater number than half. A simple formula would be fifty (50%) percent plus one. I am advised that Marion County currently has two House members and four Senators. Therefore, a majority would be two House members and three Senators.

I might also call your attention to [Section 2-7-40 of the Code](#), which is a general statute dealing with appointments by the General Assembly. In our opinion, this statute would not apply to the appointment of a county veterans affairs officer, since the General Assembly enacted a specific statute, [Section 25-11-40](#), for this purpose. Our opinion of the continuing operation of [Section 25-11-40](#) is supported by the fact that the statute was substantially amended in 1967 during the same legislative session in which [Section 2-7-40](#) was first enacted and again in 1971. Moreover, the statute was reenacted in the 1976 Code, further indicating that the General Assembly considered [Section 25-11-40](#) to be in force. See, Sutherland, Statutory Construction, § 22.33 (1972).

If you should have any additional questions regarding this matter, please advise.

Very truly yours,

Richard B. Kale, Jr.  
Senior Assistant Attorney General

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