

1977 S.C. Op. Atty. Gen. 42 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-41, 1977 WL 24384

Office of the Attorney General

State of South Carolina

Opinion No. 77-41

February 2, 1977

\*1 The Honorable Eugene Stoddard

Member

House of Representatives

Laurens County

Route 3

Gray Court, South Carolina

Dear Gene:

You asked me to check to see if membership on a watershed conservation would be dual officeholding.

It is my opinion that this is an office and that the same individual cannot occupy another office at the same time he serves on the governing body of a watershed district. Such districts are created by the provisions of Sections 63–171 of the Code of Laws, 1962, as amended. They have the authority to acquire property by purchase or by condemnation, to borrow money, to sue and be sued, to levy taxes and issue bonds. In my opinion, the directors of the district, in exercising these powers, are exercising a portion of the sovereignty of the State and otherwise possess the necessary criteria to establish that they are officers within the meaning of the constitutional provision. Therefore, a member of the House cannot serve, in my opinion, as a director of a watershed district at the same time he serves in the House.

With best wishes,

Cordially,

Daniel R. McLeod

Attorney General

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