

1976 WL 30591 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 9, 1976

\*1 The Honorable Rex L. Carter  
Speaker of the House of Representatives  
Box 10304  
F. S.  
Greenville, South Carolina 29601

Dear Mr. Speaker:

You have requested my opinion on the question of whether or not the chairman of a committee of the House is subject to the nepotism law of this State.

I advise that, in my opinion, the chairmen of such committees are not subject to requirements of any nepotism law.

The only nepotism statute which could possibly be applicable is Section 50-101 of the Code of Laws, 1962, which provides: 'It shall be unlawful for any person at the head of any department of this government to appoint to any office or position of trust or emolument under his control or management any person related or connected with him by consanguinity or affinity within the sixth degree.'

This statute is directed against 'any person at the head of any department of this government,' which term is not defined. Chairmen of Committees of the House are not, however, the 'head' of the Legislative Department nor of the House of Representatives and, in my opinion, they do not come within the scope of the above statute, which is criminal in nature.

Neither the Rules of the House nor the Joint Rules of the General Assembly contain antinepotism prohibitions and, in my opinion, chairmen of the committees of the House are therefore not subject to any antinepotism statutes or rules.

Very truly yours,

Daniel R. McLeod  
Attorney General

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