

1976 S.C. Op. Atty. Gen. 155 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4332, 1976 WL 22951

Office of the Attorney General

State of South Carolina

Opinion No. 4332

April 20, 1976

\*1 The Honorable Eugene C. Stoddard  
Member  
House of Representatives  
Route 3  
Gray Court, South Carolina 29645

Dear Mr. Stoddard:

You have inquired as to the members of the board of trustees of the South Carolina Opportunity School whose terms have expired.

Section 22–253 of the 1962 Code provides for the membership of the board of trustees. It was last amended by Act No. 376 of 1969 (69 Acts 660) so as to provide that ten trustees should be elected by the Legislature. That act provided for the staggering of terms of the trustees so that of the initial board two of those first elected should serve for two years; two for three years; and three for four years. The terms for the additional three members provided by the 1969 statute were similarly staggered so that one should serve for four years; one for three years; and one for two years. The terms, in my opinion, began July 2, 1969, the effective date of the statute.

In 1970 three members were elected. These were:

**TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE**

The three above individuals, whose terms began July 2, 1969, were the additional members provided for by the 1969 act. The Legislature did not provide which of the members should serve for the varied terms but, in accordance with the scheme provided in Section 1 of the act, the first elected (Rowland) would hold for a term of four years; the second (Efron) would serve for a term of three years; and the third (Boyce) would serve for a term of two years. So computed, the terms of these three members would expire at the dates shown opposite their names above. Thereafter, succeeding terms for these members are for a period of four years.

It is my opinion that the beginning of the terms of these members should be computed from July 2, 1969, which is the effective date of the statute creating their offices.

With respect to the additional seven members, it is apparent that the statutory scheme for staggered terms which began under the original 1957 act has been carried forward irrespective of the 1969 statute. The officials of the Opportunity School apparently compute terms of members, and when a vacancy ensues, they notify the appropriate Members of the Legislature that an election is in order. The election since 1957 to membership on the board of trustees has been continuously followed, with terms made to fit the original concept of terms contemplated by the original act of 1957. It is my opinion that this procedure should be continued, with the only alteration being that terms of all trustees begin and end on July 2 of the appropriate year. This date is the effective date of the 1969 statute and a great deal of confusion which exists could be eliminated by such a procedure.

So computed, the following terms are appropriate to be filled by election at the present time:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

\*2 I suggest that the elections carry in the record of the Journal that the member elected is for the term beginning and ending on the above dates. This will ensure some certainty of these dates, which is legislatively recognized.

The following members are serving terms which will not expire until 1977 and no election for these positions is therefore indicated:

TABULAR OR GRAPHIC MATERIAL SET FORTH AT THIS POINT IS NOT DISPLAYABLE

I suggest also that statutory enactment be begun to validate legislatively the terms so provided.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

1976 S.C. Op. Atty. Gen. 155 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4332, 1976 WL 22951