

1975 WL 28898 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 6, 1975

*1 The Honorable Nick A. Theodore
Member
House of Representatives
Greenville County
Box 1827
Greenville, South Carolina 29602

Dear Mr. Theodore:

You have requested the opinion of this Office concerning the authority to elect members of the Agriculture Commission of South Carolina. This Commission exists pursuant to the provisions of Section 30-20.51 of the 1962 Code, as amended, which provides, in pertinent part:

‘The Legislative Delegations representing the counties of each judicial circuit shall meet, upon written call of a majority of the members of the Delegations of each judicial circuit—for the purpose of electing a member of the Commission to represent such circuit.’

The basic governing authority of the County Council of Greenville County is provided in Section 14-2071 of the Code of Laws, 1962, as amended. This statute was first enacted in 1967, and Section 9(n) thereof provides, in part:

‘Except as above provided, the Council shall elect, for such terms as it may set, and shall perform all functions related to the recommendation or appointment of boards or commissions as were formerly vested in the Greenville County Legislative Delegation.’

It is noted that the authority given to the Council Council was enacted in 1967 and vested in the Council certain powers as to appointments of boards and commissions as were formerly vested in the Greenville County Legislative Delegation. The Act creating the Agriculture Commission was not enacted at that time, but became law in the following year, 1968. Consequently, at the time of the creation of the Greenville County Council, pursuant to the 1967 Act, there were no powers vested in the Greenville County Legislative Delegation with respect to the election of members of the then non-existent Agriculture Commission; but when the Commission was subsequently created, it vested the authority to elect members thereto in the Legislative Delegation.

In my opinion, the authority to elect members of the Agriculture Commission of South Carolina is therefore vested in the Greenville County Delegation, and not in the Greenville County Council.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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