

1975 S.C. Op. Atty. Gen. 154 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4079, 1975 WL 22376

Office of the Attorney General

State of South Carolina

Opinion No. 4079

August 14, 1975

***1** The Check Clearing House Magistrate of Greenville County should be appointed from the Judges of the Magistrates' Courts of Greenville County whose term of office should continue as designated in § 43–1.4:9 Code of Laws of South Carolina, as amended.

TO: Senator Charles G. Garrett
Greenville County

QUESTION PRESENTED:

What is the method of appointment and the term of office of the Check Clearing House Magistrate for Greenville County under Act 19 of the 1975 Acts of the General Assembly?

DISCUSSION:

Act No. 19 of the 1975 Acts of the General Assembly establishes the office of the Director of the Check Clearing House for Greenville County. The Act states that the ‘ . . . Check Clearing House shall be under the supervision of the magistrate designated by a majority of the Greenville County legislative delegation . . . ’ It appears from the above cited language that the County delegation must designate a person who presently holds the position of magistrate in Greenville County as Director of the Check Clearing House. Which Magistrate the delegation selects is entirely the province of the delegation.

Since Act No. 19 provides that an existing magistrate be designated and the terms of office for Greenville County Magistrates are set forth in § 43–1.4:9 Code of Laws of South Carolina, as amended, it would appear that the term of office of the Director of the Check Clearing House would simply coincide with his term of office as magistrate.

CONCLUSION:

The Check Clearing House Magistrate of Greenville County should be appointed from the Judges of the Magistrates' Courts of Greenville County whose term of office should continue as designated in § 43–1.4:9 Code of Laws of South Carolina, as amended.

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