

1973 S.C. Op. Atty. Gen. 355 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3666, 1973 WL 21117

Office of the Attorney General

State of South Carolina

Opinion No. 3666

November 20, 1973

***1 The employment practices of the Richland-Lexington Riverbanks Parks District are not controlled by the State nepotism statute.**

Member

House of Representatives

Lexington County

You have requested that this office advise you as to whether the State nepotism statute, (§ 50–101, Code of Laws of South Carolina, 1962) includes the Richland-Lexington Riverbanks Parks District.

The State nepotism statute states: It shall be unlawful for any person at the head of any department of this government to appoint to any office of trust or emolument under his control or management any person related or connected with him by consanguinity or affinity within the sixth degree. § 50–101.

In the context of this state-wide statute, the term ‘this government’ can only mean State government. The nepotism law, being strictly construed, as it must be, thus applies only to heads of the departments of the State Government, and excludes from its coverage political subdivisions of the State such as the Richland-Lexington Riverbanks Parks District. § 51–71, Code of Laws of South Carolina, 1962, as amended.

It is therefore the opinion of this office that the employment practices of this District are not controlled by the State nepotism law.

See: *United States v. Germaine*, 99 U.S. 508, 25 L.Ed. 482; 88 A.L.R. 1103.

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