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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

May 9, 1997

The Honorable Joe Wilson
Senator, District No. 23
211 Gressette Building
Columbia, South Carolina 29202

Re: Informal Opinion

Dear Senator Wilson:

You have asked whether S.C. Code Ann. Section 57-1-320 (B) requires that a district commissioner of the South Carolina Department of Transportation is prohibited from serving more than one term unless another commissioner's term intervenes.

This question has been answered by previous opinions. In an Informal Opinion, dated February 20, 1996, it was advised that the language contained in Section 57-1-320 (B) ("no more than one consecutive term") should be read one term only. Therein, it was stated that

I am of the opinion that the language in Section 57-1-320(B) relative to not serving more than one consecutive term means serving one term. By way of comparison, a municipal ordinance examined in Great South Fair v. City of Petal, 548 So.2d 1289 (Miss. 1989), provided that a carnival or fair with the specified number of mechanical rides could operate "not more than one (1) consecutive day" in the city. The ordinance challenged therein was interpreted to mean that the carnival or fair could operate for only one day. Applying that reasoning to the instant case, I would interpret the language of Section 57-1-320(B) to mean that a county may have representation for one term and one term only, but that representation may return to that county after representation

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has rotated to another county for at least one term. Because representation is to rotate from county to county, the commissioner may not succeed oneself but may serve again at a later date, when the rotation returns to his or her county (assuming the delegations were to re-elect the individual). [emphasis added].

This Opinion that a representative may serve only one term unless another commissioner's term intervenes, remains the Opinion of this Office.

This letter is an informal opinion only. It has been written by a designated Assistant Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I am

Very truly yours,



Robert D. Cook
Assistant Deputy Attorney General

RDC/ph