

1976 S.C. Op. Atty. Gen. 360 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4502, 1976 WL 23119

Office of the Attorney General

State of South Carolina

Opinion No. 4502

October 25, 1976

\*1 Honorable James B. Edwards

Governor

State of South Carolina

State House

Columbia, South Carolina 29211

Dear Governor Edwards:

You have requested an opinion as to whether a vacancy on the Ports Authority may be filled by your making an interim appointment until the Senate meets to confirm the appointment.

The appointment of members of the Ports Authority and the filling of vacancies have been dealt with specifically by Section 54-2 of the Code of Laws of 1962:

The members of the board shall be appointed by the Governor, with the advice and consent of the Senate, for terms of seven years each and until their successors shall have been appointed and have qualified. In the event of a vacancy, however caused, a successor shall be appointed in the manner of original appointment for the unexpired term.

The words 'in the manner of original appointment' and the absence of a provision for an interim appointment tend to indicate that the General Assembly has not authorized interim appointments to this commission.

Interim appointments to some offices are provided for by Sections 1-1, 1-2, 1-121 and 1-122 of the Code. Only Section 1-122, providing for appointments to fill 'any vacancy in an office of the executive department,' appears to provide a general interim appointing power. However, Section 1-1 defines the executive department as consisting of certain named officers, and the Ports Authority is not included on the list. It is thus my opinion that no provision has been made for an interim power to appoint a member of the Ports Authority.

Sincerely yours,

Daniel R. McLeod

Attorney General

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