

1975 S.C. Op. Atty. Gen. 70 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4001, 1975 WL 22299

Office of the Attorney General

State of South Carolina

Opinion No. 4001

March 19, 1975

***1 In Re: Possible Dual Officeholding Marlboro County Airport Commission—Bee Dee Regional Hospital Board**

Honorable John I. Rogers, III
Members
House of Representatives
Box 47
Bennettsville, South Carolina 29512

Dear John:

Thank you for your letter of March 10 inquiring if the same person may hold a position as member of the two above boards without conflicting with the dual officeholding provisions of the Constitution of this State.

The Marlboro County Airport Commission was created by Act No. 234 (67 Acts 324). Among its duties and powers are to have general authority concerning the lands, moneys, and properties of the airport, to generally assist the County in all matters affecting the airport, and to hold all moneys and funds of the County which may be set aside for the construction and development of the airport and to control the expenditure thereof, in addition to any other powers and authorities the Commission may have by virtue of the provisions of any other law. They also have authority to sell, lease, or trade airport land, property or rights of the airport, subject to the approval of the Marlboro County Legislative Delegation. The terms of the Commissioners are fixed by law.

I think that membership upon such a board meets all the indicia of an office within the meaning of the dual officeholding provision and that such members are therefore officers in the constitutional sense.

The Pee Dee Regional Health Services District exists by virtue of a 1973 Act (73 Acts 109). The terms of office of the members are fixed by law and they have broad authorities with respect to the performance of their duties, including the power of eminent domain.

Membership upon the board of directors of the governing body of this district undoubtedly constitutes an office also.

In my opinion, because each of these positions constitutes an office in the constitutional sense, it is my opinion that the same person may not occupy membership upon both of such agencies without violating the provisions of the Constitution of this State relating to dual officeholding.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

1975 S.C. Op. Atty. Gen. 70 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4001, 1975 WL 22299