

Smith

Education (County Board)

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The State of South Carolina



Office of the Attorney General

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April 18, 1988

Benny R. Greer, Esquire
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100 St. John Street
Darlington, South Carolina 29532

Dear Benny:

You have requested the advice of this Office as to whether the provisions of §59-19-315 of the Code of Laws of South Carolina would govern the terms of office by the Darlington County Board of Education of Darlington County (Board). Section 59-19-315 of the Code of Laws of South Carolina (1976), as amended, provides that "[t]he term of office of every elected trustee of a school district must commence one week following the certification of his election." (Emphasis added). You have interpreted local legislation for the Board to provide for the commencement of the terms of office of its members in the month of May following a general election. Act 748 §1, Acts and Joint Resolutions of South Carolina, 1978.

Generally, statutes pertaining to the same subject matter should be construed together and reconciled, if possible, so as to render both operative. Lewis v. Gaddy, 254 S.C. 66, 173 S.E.2d 376 (1970). In addition, each statute must be construed in light of its intended purposes. Spartanburg Sanitary Sewer District v. City of Spartanburg, 283 S.C. 67, 321 258 (1984). Here, although the Board is given the powers and duties of "District School Board" (Act 74 of §1), the Board is clearly the successor to the former County Board of Education (County Board) in that the County Board had the same name as the current Board (§21-2251 et seq. of the 1962 Code and Act 661 of 1976), in that Act 748 reconstituted that earlier County Board into the present Board (Act 748 (Title and Section 1), and in that the provisions for the former Darlington County Board of Trustees were repealed by Act 748 (Act 748 §4). Lewis, supra; Sutherland Statutory Construction, Vol. 2A, §47.03. Because the current Board is the successor to the County

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Board, a different political body from the former Board of Trustees, and because §59-19-315 applies to Boards of Trustees rather than County Boards of Education, the terms of office for the Darlington County Board of Education would appear to continue to be controlled by the local legislation for Darlington County. See §§59-15-10 and 59-19-10 of the 1976 Code and §§21-2251 et seq. and 29-2271 et seq. of the Code.

In conclusion, §59-19-315 does not appear to apply to the terms of office of the members of the Board of Education of Darlington County.

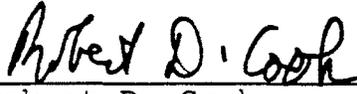
Yours very truly,



J. Emory Smith, Jr.
Assistant Attorney General

JESJR/srcj

REVIEWED AND APPROVED BY:



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