

Senator Courson  
Representative Toal  
Mr. Belser

August 25, 1986

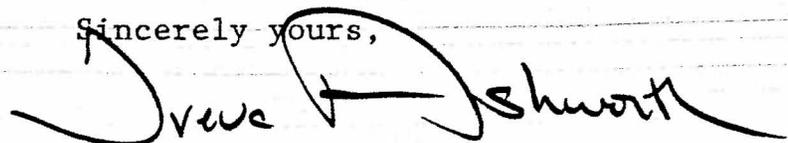
Statutory Construction, Vol. 2A §51.05 (4th Ed.) the following rule of statutory construction is set out

[w]here one statute deals with a subject in general terms, and another deals with a part of the same subject in a more detailed way, the two should be harmonized if possible; but if there is any conflict the latter will prevail, regardless of whether it was passed prior to the general statute, unless it appears that the legislature intended to make the general act controlling. (Emphasis added)

The Legislature is presumed to be aware of a legislation dealing with the same subject. Bell v. S.C. Highway Department, 204 S.C. 462, 30 S.E.2d 65 (1944). The legislature, therefore, is presumed to be aware of the provisions of these two acts and would be presumed to specifically intend R350 to provide an exception to the general law that they enacted two days after the specific act. The legislature process leaves somewhat to chance the timing of the passage of various bills, it would be absurd to read into the chance passage of an act two days later in time the specific intent to repeal by implication the specific filing requirements of R350. Further repeal by implication is not favored and will not be found without a clear showing of intention to repeal. Buchanan v. State Treasurer, 68 S.C. 411 (1903); Miller v. Railroad Company, 90 S.C. 249 (1911); State v. Hood, 181 S.C. 488 (1936); 16 CJS Constitutional Law. §§26, 42.

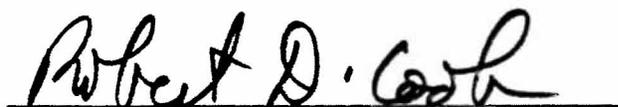
Of course, only a court of competent jurisdiction could make a definitive ruling on this question. However, it would appear that the provisions of R350 which state that filing will end sixty days before the election, would control over the general provisions of Act 344 which would have filing end at an earlier date of September 1.

Sincerely yours,



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TGA/ss



ROBERT D. COOK  
EXECUTIVE ASSISTANT OPINIONS