

## The State of South Carolina



## Office of the Attorney General

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November 9, 1987

Honorable Denny W. Neilson  
House of Representatives  
304-A Blatt Building  
Columbia, South Carolina 29211

Dear Representative Neilson:

You have requested the advice of this Office as to whether the Darlington County Board of Education (County Board) has the discretion either to approve or disapprove the budget submitted by Florence-Darlington Technical College (TEC). Your request references Act 571, Acts and Joint Resolutions of South Carolina, 1976, which states that the County Board "...shall examine the itemized budget [submitted by TEC] and its approval shall constitute the authority and direction to the county auditor to levy the tax provided for in Section 1...."

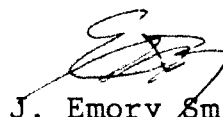
"Where the terms of a statute are clear and unambiguous, there is no room for interpretation and we must apply them according to their literal meaning." South Carolina Department of Highways and Public Transportation v. Dickinson, 341 S.E.2d 134 (S.C. 1986). Here, because the County Board is directed to examine the budget, as well as approve it, mandatory or automatic approval of the budget would not be consistent with such review powers. Sutherland Statutory Construction, Vol. 2A §§ 45.12 and 46.05. Therefore, the Legislature must have intended that the County Board have the discretion, to be exercised upon reasonable grounds, to approve or disapprove the TEC budget; however, such disapproval would not

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affect the budget of TEC for purposes other than the tax levy provided in Act 571, and the Act would not prevent TEC from submitting a revised budget. Cf. Ops. Atty. Gen. (March 18, 1986).

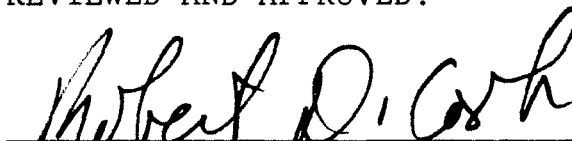
If you have any questions, please let me know.

Yours very truly,

  
J. Emory Smith, Jr.  
Assistant Attorney General

JESjr:st

REVIEWED AND APPROVED:

  
Robert D. Cook  
Executive Assistant for Opinions