

1981 WL 158037 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 4, 1981

*1 William A. Ruth, Esquire
Attorney at Law
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Hilton Head Island, South Carolina 29938

Dear Mr. Ruth:

Regarding your request for a reconsideration of my October 19, 1981, opinion letter to you on the question of the authority of the Hilton Head No. 1 Public Service District to contract with private corporate bodies for the provision of water and sewer services to noncontiguous areas, my opinion is not based upon the theory of implied repeal but instead upon another rule of statutory construction, *i.e.*, that the inclusion of certain language in a statute means that the omission of that same language in another part of that statute or in an amendment thereto is intentional. *See, e.g.*, 2A SUTHERLAND STATUTORY CONSTRUCTION § 57.10; *cf.*, 73 AM.JUR.2d *Statutes* § 212. Nevertheless, as you know, rules of statutory construction are to be used to determine legislative intent in doubtful cases and, if no doubt exists as to the meaning of a statute, the rules of statutory construction are generally not applied. Perhaps my application of the rule of statutory construction earlier alluded to results in a too strict (and unintended) interpretation of the statute.

Because the answer to the question which you originally raised is one that is not free from doubt and because your position is certainly an arguable one, I would recommend that a judicial resolution be sought pursuant to the Uniform Declaratory Judgments Act [[§§ 15-53-10 et seq.](#), [CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended].

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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