

1977 S.C. Op. Atty. Gen. 136 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-172, 1977 WL 24514

Office of the Attorney General

State of South Carolina

Opinion No. 77-172

June 2, 1977

*1 Assistant Secretary of Commerce for Economic Development

Department of Commerce

Washington, D. C.

Dear Sir:

Application has been submitted for a grant pursuant to the Local Public Works Capital Development and Investment Program.

The Rules and Regulations of the Department of Commerce filed in the Federal Register on May 27, 1977, provides in Volume 42, No. 103, page 27433, the following:

'Local government means any city, county, town, parish, or other political subdivision of a State (including local school districts), and any Indian tribe.'

The Anderson-Oconee-Pendleton Technical Education and Training District created by Act No. 905 of 1962 (62 Acts 2210) is not a school district within the contemplation of South Carolina law. Section 21-10, Code of Laws for South Carolina, 1962, as amended. However, in view of the intent of the Congress in enacting the basic authority for the establishment of the Grants Program, it is most probable that the Training District can properly be considered a school district as that term is used in the Federal Act and Regulations.

I base this conclusion upon consideration of the legislative history as shown in U. S. CONGRESSIONAL AND ADMINISTRATIVE NEWS 1976, Vol. 3, p. 1748, which concerns Public Law 94-369 and which recites, with respect to the genesis of the Grants Program for which application is made by the Training District:

'For the purpose of this Act, it is intended that special districts such as school districts and regional authorities formed by local governments that are established or authorized by State law will be considered a political subdivision of the State.'

This conclusion is rendered more apparent by consideration of the use of the phrase 'Indian Tribe,' to which the legislative history reflects is broadly intended to include any Indian Tribe or any band, group, Pueblo or community including native villages (Indian or Samoan).

Very truly yours,

Daniel R. McLeod

Attorney General

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