

1978 WL 35167 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 13, 1978

*1 Mr. James Swygert
Chairman
Dorchester County Vocational Education
Board of Trustees
P. O. Box 28
Dorchester, SC 29437

Dear Mr. Swygert:

You have requested an opinion from this Office concerning Act No. 1627, Acts and Joint Resolutions of South Carolina, 1972. The title of the Act is as follows:

An Act To Create A Board Of Trustees Further To Develop, Maintain, Manage And Operate Existing Vocational Education Facilities And Programs Serving An Area Composed Of The Three School Districts Of Dorchester County And Organized Under Act 830 Of 1966; And To Authorize The Issuance Of Not Exceeding \$175,000 In General Obligation Bonds To Construct And Equip A Vocational School.

The title of Act 1627 of 1972 uses the words, ‘ . . . Existing Vocation Education Facilities And Programs. . . .’ It is permissible to use the words in a title of a statute to shed light on the meaning of the statute itself. § 47.03, Titles, Sutherland Statutory Construction, Vol. 2A. The word ‘Existing’ would encompass those programs and facilities of school districts which were affiliated under Act No. 830 of 1966.

Each section of an Act refers to a specific activity as applies to the overall purpose of the Act, as noted at 73 Am.Jur.2d, Statutes, § 254, page 425:

. . . the various provisions of a single Act should be so read that all may, if possible, have effect without repugnancy or inconsistency, so as to render the statute a consistent and harmonious whole.

In construing § 3 of Act 1627 of 1972 as part of the entire Act, the administrative procedures are listed as they apply to the organization and administration of vocational programs and facilities for the entire county existing in 1972 and the Vocational Center.

When there is a conflict between two statutes, the most recently enacted statute controls. Therefore, the provisions of the School Finance Act of 1977 dealing with Vocational Education will take precedence over the provisions of Act 1627 of 1972. § 59-20-40, Code of Laws of South Carolina, 1976, sets forth the method of computation of the basic amount to be included for current operation in the foundation program for the individual school district. Different weighting are used to provide for the relative cost differences between programs for different students. Prevocational students are given a weighting of 1.20 and vocational students, a weighting of 1.29.

The School Finance Act of 1977 provides for the accounting of each student of the State in one classification only. It would be impossible to count a student as a district high school student and count space held for him at the vocational school, even though he did not attend. Because the School Finance Act of 1977 allows one weighting per pupil, the

student would actually have to attend the vocational school in order to be funded as such through the School Finance Act of 1977.

Based upon the School Finance Act of 1977, Act 830 of 1966, and Act 1627 of 1972, it would seem that there should be a general cooperation among the three school districts in Dorchester County to determine the number of vocational students from each district; to report the proper weighting for those pupils; and to turn over the funds allotted for the total amount of vocational students to the vocational center. § 51.02, Statutes On The Same Subject Construed Together, Sutherland Statutory Construction, Vol. 2A states that:

*2 In terms of legislative intent, it is assumed that whenever the legislature enacts a provision it has in mind previous statutes relating to the same subject matter wherefore it is held that in the absence of any express appeal or amendment therein, the new provision was enacted in accord with the legislative policy embodied in those prior statute, and they should all be construed together.

The Dorchester County Council and the Dorchester County Vocational Education Board of Trustees are separate entities with separate enumerated powers and duties. They interact insofar as Act 380 of 1966 provides for the affiliation of the school districts for the purpose of promoting vocational education, and Act 1627 of 1972 creates a Board of Trustees to develop, maintain, manage, and operate existing vocational education facilities and programs organized under Act 830 of 1966.

All State monies for the vocational center will now be administered as mandated in the School Finance Act of 1977. The letter from Mr. Jack M. Parrish, dated May 26, 1978, that you included with your opinion request, provides procedures appropriate for funding. The Office of Finance will be able to advise you specifically in this area.

If I can be of further assistance, please let me know.

With kindest regards,
Sincerely,

Paul S. League
Assistant Attorney General

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