

1973 WL 27685 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 16, 1973

***1 Re: No. 261—Schools—County Boards of Education**

Honorable James M. Morris
Senator
Senatorial District 12
Capitol Building
Columbia, South Carolina

Dear Senator Morris:

Dr. Busbee, State Superintendent of Education, referred to me your request for an opinion interpreting Sec. 21-101, Code of Laws of South Carolina, as it relates to the employee of a school district in one county serving on the County Board of Education in another county. A similar question has arisen as to the statutory construction of Sec. 21-240, Code of Laws of South Carolina, which makes it 'unlawful for a school trustee to receive pay as a teacher of a free public school.' I am enclosing a copy of my opinion on the construction of Sec. 21-240, which would be applicable in principle to Sec. 21-101.

'Where the terms of statutes are positive and unambiguous, exceptions not made by the legislature cannot be read into the act by implication. 82 C.J.S., Statutes, Section 28(2B), Page 891.' [Vernon v. Harleysville Mutual Casualty Company, 244 S.C. 152, 135 S.E. 2d 841, 844 \(1964\)](#). Since the wording of Sec. 21-101 is unambiguous and without exception, I do not feel that this statute should be construed so as to limit its application and prohibition merely to the employees of a public school system in the county in which the employee wishes to serve as a member of the County Board of Education.

Please contact me if I can provide any further assistance.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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