

1973 WL 27653 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 10, 1973

*1 Dr. Charles E. Palmer
Executive Director
State Board for Technical and Comprehensive Education
1429 Senate Street
Columbia, South Carolina 29201

Dear Dr. Palmer:

On November 7, 1973, I wrote you a letter relating to certain statutory questions which you had raised concerning South Carolina Code of Laws, 1972 Supplement, Section 21-704.13. At that time I stated that only the legislative county in which the school itself was located would be affected by proposed changes and therefore have the right to approve or disapprove the proposed changes. Since that time it has come to the attention of this office that certain technical schools receive financial assistance from counties other than the one in which they are located. In such a situation all of the counties contributing toward the finances of the school would possess the critical element of being actually 'affected' by such a proposed change and would therefore be allowed to vote on the proposal.

In regard to the question presented by McCormick County where the one Senator disapproved and the one Representative approves the change, it would appear that the one negative vote by the Senator could block the entire plan. South Carolina Code of Laws, 1962, as amended, Section 30-203.1 defines what constitutes a majority vote for a legislative delegation. By putting the proposed question into this formula it appears that both the Senator and Representative must agree. The fact that six other affected legislative delegations do agree is not sufficient to override one delegations negative vote. Section 21-704.13 requires the concurrence, i.e. assent of every legislative delegation affected; therefore, one negative vote by this Senator would negate the possibility of a majority under the regulations of 30.203.1 for the McCormick Legislative Delegation. Therefore, the entire plan is effectively negated even though every other board, agency, and delegation does concur.

Sincerely,

Treva Ashworth
Staff Attorney

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