

1979 WL 43627 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 1, 1979

\*1 Honorable John C. Land, III  
Senator  
Clarendon and Sumter Counties  
Drawer G  
Manning, South Carolina 29102

Dear Senator Land:

You have requested an opinion from this Office as to whether the present superintendents of the three school districts in Clarendon County are voting members of the Board of Trustees of the Clarendon County Vocational Education School.

On February 3, 1972, Act No. 959, entitled An Act to Create A Vocational Education School For Clarendon County and To Provide a Board of Trustees therefor, was signed into law. On June 23, 1972, Act No. 1458 was signed and it amended Act No. 959 in part concerning the membership of the Board of Trustees. Act No. 959 stated that ‘ . . . the three county district superintendents of education . . . shall serve ex officio and as full voting members of the board’ of trustees of the Vocational Education School.

Most recently, on May 31, 1979, the legislature amended [§ 59-53-1900 of the South Carolina Code](#) of Laws of 1976. This amendment provided that the superintendents of the participating school districts serve as ex officio non-voting members of vocational school boards formed by two or more school districts.

The following rules of construction are applicable here:

Statutes in pari materia, although in apparent conflict, are so far as reasonably possible, construed to be in harmony with each other. But if there is an irreconcilable conflict between the new provision and the prior statutes relating to the same subject matter, the new provision will control as it is the later expression of the legislature. Sutherland Statutory Construction, Vol. 2A § 51.02.

Here, part of the 1979 amendment to [§ 59-53-1900](#) and Act No. 1458 both relate to the same subject, school superintendents serving on vocational school boards. Because the 1979 Act, which made only three changes in [§ 59-53-1900](#), expressly provides that school superintendents serve as non-voting ex officio members of the vocational school boards, the legislature has clearly expressed its intention as to the role of the superintendents. Thus, as between Act No. 1458 and the amendment to [§ 59-53-1900](#), the latter controls. School superintendents serving on the Clarendon County Vocational Education School Board shall be non-voting ex officio members thereof.

If I can be of further assistance to you, please do not hesitate to contact me.

Yours very truly,

J. Emory Smith, Jr.  
State Attorney

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