

1976 S.C. Op. Atty. Gen. 359 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4501, 1976 WL 23118

Office of the Attorney General

State of South Carolina

Opinion No. 4501

October 25, 1976

*1 Malcolm U. Dantzler, M.D., M.P.H.

Deputy Commissioner for Medical Care and Health Regulations
South Carolina Department of Health and Environmental Control
J. Marion Sims Building
2600 Bull Street
Columbia, SC 29201

Dear Dr. Dantzler:

You have requested an opinion as to the meaning of a portion of Section 32–31 of the South Carolina Code, which reads as follows:

All fees and charges collected pursuant to Sections 32–18 to 32–21, including vital statistics fees as now provided by law, shall be deposited in the State Treasury and shall be used in the operation of the public health program of the bureau, division, district health unit or local county health department which performed the services for which the fees and charges were collected.

The first question is whether the words ‘which performed the services’ refer to the words ‘bureau [etc.] which performed the services’ or whether refer to the word ‘program.’ The second question, which upon close examination turns out to be the same as the first, is whether ‘public health program’ refers to the entire scope of activities of a health agency, or whether it merely refers to the specific public health activity which generated the revenue.

The plain meaning of the sentence, read in the usual manner rather than in a strained or contorted way, clearly indicates that the words ‘which performed . . . [etc.]’ refer to the bureau or division. This also answers the second part of the question: since the words ‘the public health program’ are unmodified by adjectives under the normal reading of the sentence, the entire public health program must be the one to which reference is made. Otherwise the sentence would be made to refer to only one particular health program of an agency or bureau when in fact there are many. For these reasons, it is the opinion of this Office an agency which receives fees and charges pursuant to Sections 32–18 to 32–31 may apply them to any portion of its public health program.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

1976 S.C. Op. Atty. Gen. 359 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4501, 1976 WL 23118