

1975 S.C. Op. Atty. Gen. 196 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4125, 1975 WL 22421

Office of the Attorney General

State of South Carolina

Opinion No. 4125

September 22, 1975

\*1 Section 22–56, S. C. Code (1962), as amended, requires \_\_\_\_\_ a veteran to have been a resident of South Carolina both at the time of entry into service and during service in order for his child to be entitled to free tuition at State-supported schools.

TO: Mr. Hoyt B. Hill, Jr.

Director

Department of Veteran Affairs

QUESTION PRESENTED:

Does Section 22–56, S. C. Code (1962), as amended, require that a veteran have been both a resident of South Carolina at the time he entered the service ‘and during service’ in order for his child to qualify for free tuition at State-supported schools?

STATUTES AND CITATIONS INVOLVED:

Section 22–56, S. C. Code of Laws (1962), as amended.

82 C. J. S., Statutes, § 335, § 384, (1953).

[Martin v. Nationwide Mutual Insurance Co., 256 S. C. 577, 183 S. E. 2d 451 \(1971\).](#)

DISCUSSION:

Section 22–56, S. C. Code (1962), as amended, provides, inter alia, as follows:

A child of a veteran, who was a resident of this State at the time of entry into service and during service and, in the event the veteran is disabled, still resides in this State . . . may, upon application to and approval by the South Carolina Department of Veteran Affairs, be admitted to any State supported college, university or post high school technical education institution free of tuition . . . (Emphasis added).

The ordinary meaning of the words ‘at the time of entry into service and during service’ would require a veteran to meet both residency requirements in order for his child to qualify for free tuition at State-supported schools.

Generally the words ‘and’ and ‘or’ as used in statutes are not interchangeable, being strictly of a conjunctive and disjunctive nature respectively, and their ordinary meaning should be followed if it does not render the sense of the statute dubious. 82 C. J. S., Statutes, § 335 (1953).

There is no evidence to indicate that the Legislature intended otherwise than to require residency in this State both at times of entry into the service and during service, nor does this construction render the meaning of the statute ambiguous

or result in absurdities. Therefore, the word ‘and’ should be taken in its ordinary and popular significance in the absence of something in the statute requiring a different interpretation. [Martin v. Nationwide Mutual Insurance Co.](#), 256 S. C. 577, 183 S. E. 2d 451 (1971). The above construction is further supported by the fact that the Legislature rewrote the requirements of this statute in 1974 changing the language from disjunctive to conjunctive. Thus, while the pre-1974 act provided—

The children of those who entered the service of the United States from South Carolina, or who were legal residents of South Carolina April 26, 1941 and were killed in action or died from other causes within the period from April 6, 1917 to July 2, 1921 . . . (Emphasis added).

\*2 and again later in the statute—

The children of those who entered the service of the United States from South Carolina or who were residents of South Carolina on December 7, 1941 and were killed in action, died from other causes during the duration of World War II . . . (Emphasis added).

the 1974 amendment provides ‘at the time of entry into service and during service.’

It will be presumed that the legislature, in adopting an amendment, intended to make some change in the existing law, and therefore, the courts will endeavor to give some effect to the amendment. So a change of phraseology from that of the original act will raise the presumption that a change of meaning was also intended. . . . 82 C. J. S., [Statutes](#), § 384 (1953).

#### CONCLUSION:

Section 22–56, S. C. Code (1962), as amended, requires that a veteran must have been a resident of South Carolina both at the time of entry into service and during service in order for his child to be entitled to free tuition at a State-supported school.

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