

1980 WL 121195 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 24, 1980

*1 Honorable Jean Toal
Member
House of Representatives
Blatt Building
Columbia, South Carolina 29211

Dear Mrs. Toal:

Thank you for your letter of April 22, 1980, requesting my opinion as to the germaneness of identified sections of the Permanent Provisions of previous Appropriations Acts and the 1980-81 Appropriations Act. The sections identified by you date from the year 1970 to the present.

With respect to those matters which were enacted through the 1975 session of the General Assembly and which were included in the Code of Laws for 1976, it is my opinion that the germaneness issue is resolved by consideration of the case of [Colonial Life & Accident Insurance Company v. South Carolina Tax Commission](#), 233 S.C. 129, 145, 103 S.E.2d 908. I have not had sufficient time to track down the sections, to see which were included in the 1976 Code of Laws, but from a cursory observation of the subject matters during those years, it seems apparent that nearly all of them were included in the 1976 Code.

I, therefore, feel that it is appropriate to consider initially the provisions of the current Appropriations Act to which you have directed my attention. This will preclude any special application of the enrolled Bill Rule. [Wingfield v. S. C. Tax Commission](#), 147 S.C. 116, 144 S.E. 846. Consideration of such matters should be done in a deliberate manner and without undue haste. As you have pointed out, the Appropriations Bill is now in Conference Committee, and an immediate response must be made. Aside from the difficulty of the problem and the need for further research of the numerous cases concerning the application of [Article III, Section 17, of the Constitution](#), I must state to you that the conclusions herein must be considered as being subject to some reservation.

The latest expression of the Supreme Court of South Carolina with regard to the application of [Article III, Section 17](#), is contained in [Hercules v. South Carolina Tax Commission](#), filed January 9, 1980, in which the Supreme Court of this State stated that the first requirement of the constitutional provision is that an act relate to but one subject, with the topics in the body of the act being kindred in nature and having a legitimate and natural association with the subject of the title. With particular reference to a General Appropriations Act, the Court held that a provision that is questioned must be reasonably and inherently related to the collection of tax revenues so as to make it germane to the General Appropriations Act. The second requirement of the provision is that the title of an act must convey reasonable notice of the subject matter to the Legislature and the public. The germaneness feature first referred to is the one with which your questions are concerned. With regard to the specific sections referred to by you, my opinion is as follows:

Section 8 (Senate Management and Operations Committee). I consider this germane, in that provisions are made for payment of per diem and other expenses.

*2 Section 9 (Governor's Mansion and Lace House Commission). I consider this section germane, in that it relates to fiscal affairs by removing funds from the office of the State Treasurer and from the General Fund.

Section 12 (Governor's Nuclear Advisory Council). This section is probably germane, but subject to further research.

Section 13 (Joint Legislative Committee on Children). I consider this of doubtful germaneness.

Section 14 (Legislative Advisory Committee on Childhood Education). I consider this of doubtful germaneness.

Section 15 (Senate and House Operations and Management Committees). I consider this probably germane.

[Section 17](#) (legal description of deeds). I do not consider this germane.

Section 18 (South Carolina Education Finance Program). I consider this of doubtful germaneness.

Section 19 (Establishment of Hazardous Waste Fund). I consider this probably germane.

Section 21 (Board of Financial Institutions). I consider this of doubtful germaneness.

Section 22 (increase in membership of South Carolina Ports Authority). I consider this of doubtful germaneness.

Section 24 (legal representation of consuming public before regulatory agencies.). I consider this of doubtful germaneness.

Section 25 (distribution of beer and wine). I consider this of doubtful germaneness.

Section 26 (membership of State Social Services Advisory Committee). I consider this of doubtful germaneness.

Section 27 (eligibility for South Carolina Retirement System and South Carolina Credit Union). I consider this of doubtful germaneness.

Section 2, Part IV (waiver of school attendance by school trustees). I consider this of doubtful germaneness.

The remaining items referred to in your letter will be separately considered as soon as practicable.

Very truly yours,

Daniel R. McLeod
Attorney General

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