

1976 S.C. Op. Atty. Gen. 331 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4468, 1976 WL 23085

Office of the Attorney General

State of South Carolina

Opinion No. 4468

September 27, 1976

*1 Representative W. D. Rhoad
P. O. Box 508
Bamberg, South Carolina 29003

Dear Representative Rhoad:

You have requested an opinion from this Office as to whether or not membership on the Bamberg County Board of Education can be changed from an appointive to an elective position by means of a joint resolution. In my opinion, it can.

Article III, Section 18 of the South Carolina Constitution of 1895, as amended, provides that the same procedural requirements, *i.e.*, three readings on three separate days, must be met by both bills and joint resolutions. Moreover, Article IV, Section 21 of the State Constitution provides that every bill or joint resolution must be signed or vetoed by the Governor (or if the Governor does not return the bill or joint resolution within five days from presentment to him, it is deemed to have his approval). Inasmuch as the valid passage of both bills and joint resolutions must meet the same formalities, I think that an act begun as a joint resolution can amend an act begun as a bill. Traditionally, joint resolutions have been utilized for local, temporary legislation [see, e. g., 59 STAT. 1144 (1975)] such as the first three paragraphs of the first section of the 1976 act bearing ratification number R-920 exemplifies; the fact that the fourth paragraph of the first section of that Act may be of a permanent nature does not, in my opinion, invalidate it. Cf., [Smith v. Jennings](#), 67 S.C. 324, 45 S.E. 821 (1903); 1A SUTHERLAND STATUTORY CONSTRUCTION §§ 22.14, 29.05 and 29.07.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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