

1981 S.C. Op. Atty. Gen. 86 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-59, 1981 WL 96585

Office of the Attorney General

State of South Carolina

Opinion No. 81-59

June 18, 1981

*1 Mr. Charles A. Shaw

Director

Dairy Commission

1026 Sumter Street

Columbia, South Carolina 29201

Dear Mr. Shaw:

Inquiry has been made regarding the application of S-316, which is an Act concerning the Dairy Commission, and which provides:

‘The term of each appointive member shall be for three years and until his successor is appointed and qualified and members shall be limited to two consecutive terms.’

The following question arises from consideration of the construction to be given this Act:

Whether it is to be applied retrospectively or prospectively, *i.e.*, whether past terms of currently serving members are to be considered in the limitation of the successive terms limitation or whether any such members may continue from the effective date of the statute to serve at least two consecutive terms.

Based on the general rule that statutes are intended to operate prospectively unless a different result is expressed or clearly implied, and in the absence of recognized exception to the general rule, it is my opinion that statutes relating to remedies or modes of procedure may be given retroactive application as long as they do not create new rights or take away vested rights. Consequently, any terms served before the effective date of the statute should be disregarded in the application of the new amendment to the law, and they would be eligible for reappointment for at least two consecutive terms. The question of partial terms served may arise and no determination is made with respect to these but, instead, the factual circumstances of each should be submitted for separate consideration.

This opinion is based on a memorandum of authorities and an analysis provided by Miss Caroline Dixon of this Office, which will be retained here should it be desired.

Very truly yours,

Daniel R. McLeod

Attorney General

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