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ATTORNEY GENERAL

January 29, 2015

The Honorable Nikki R. Haley
Governor of the State of South Carolina
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Governor Haley:

You have requested the opinion of this Office regarding the constitutionality of proposed legislation, titled the South Carolina Infrastructure and Economic Reform Act of 2015, to be addressed during the current legislative session. Specifically you ask whether such legislation would violate the commonly referenced "one-subject rule" contained in Article III, § 17 of our State's Constitution. Based on the analysis below, it is the opinion of this Office that if enacted, a court would likely conclude that the South Carolina Infrastructure and Economic Reform Act of 2015 does not violate the one-subject rule. The proposed legislation closely tracks the rules laid out in recent cases concerning application of Article III, § 17.

Proposed Legislation

In review of the proposed South Carolina Infrastructure and Economic Reform Act of 2015 (hereinafter "the Act"), it contains a total of twenty-five sections categorized in Parts I-V. Such Parts are respectively titled "Citation and Findings," "Abolishing the Commission of the Department of Transportation," "Governance and Accountability of Transportation Administration," "Rebalancing Tax Administration to Enhance Transportation Revenues," and "Conforming and Miscellaneous Provisions."

Part I, Section 2(A) provides the Act's underlying purpose, which we condense as being the furtherance of South Carolina's economic growth, including the "ability to recruit, retain, and promote businesses" through improvements to the State's transportation infrastructure, being that the two are "inexorably linked." Section 2 further provides the means the Act facilitates to achieve its underlying purpose, stating in subsection (B) that "substantial improvements to the State Highway System cannot be realized without increasing the financial resources dedicated to the purpose of preserving, maintaining, and rebuilding the State Highway System." However, Section 2(C) clarifies that in the interest of preventing "an undue economic burden on South Carolina's citizens and businesses" which would be "contrary to the goals of durable economic development" the Act cannot increase "transportation-related user fees" without "complementary decreases in taxes and fees elsewhere in the state's tax system." Furthermore, Section 2(D) provides that "funding alone cannot ensure that transportation revenues are spent on road projects that meet statewide priorities because the current bifurcation of the Department of Transportation's leadership between a commission and a secretary hampers the ability of the

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department to effectively execute its mission and the State Transportation Improvement Plan." Last, Section 2(E) states that "maximizing the impact, and therefore economic development potential, of such additional revenues allocated to the State Highway System requires the restructuring of the governance and project approval processes to refocus the department on statewide interests."

Part II, entitled "Abolishing the Commission of the Department of Transportation," abolishes the Commission of the Department of Transportation and transfers its "functions, powers, duties, responsibilities, and authority" upon the Secretary of the Department of Transportation, unless otherwise provided within the Act.

Part III – entitled "Governance and Accountability of Transportation Administration" – contains Sections 4 through 18 and makes the modifications set forth below to the South Carolina Code. Section 4 amends S.C. Code § 1-30-10(B) to delete the Department of Transportation's seven member commission; Section 5 amends S.C. Code Ann. § 1-30-105 to provide that the governing authority of the Department of Transportation is the Secretary of Transportation; Section 6 amends S.C. Code § 1-3-240(C)(1) to delete the Department of Transportation Commission as an office of the State that may be removed by the Governor; Section 7 amends S.C. Code § 11-43-140 by deleting "Chairman" and replacing such with "Secretary" [of the Department of Transportation] to serve on the board of seven voting directors of the South Carolina Infrastructure Bank; Sections 8, 9, 12, 13, 14, and 15 amend S.C. Code §§ 57-1-10, 57-1-40, 57-1-410, 57-1-430, 57-1-490, and 57-3-20, respectively, and relate to the establishment of the Department of Transportation and its duties and responsibilities so as to eliminate the Department of Transportation Commission and its responsibilities, allow the Governor to appoint the Secretary of Transportation (Section 12, § 57-1-410), and require the Department of Transportation submit to the General Assembly an itemized project list to be funded for the fiscal year in which the General Assembly would enact its annual appropriations act (Section 14, § 57-1-490); Section 10 amends S.C. Code § 57-1-360 to replace the term "secretary" for "commission" as the responsible agent for appointment, removal, and general authority over of a chief internal auditor and other personnel deemed necessary for the chief auditor to properly discharge his or her duties; Section 11 amends S.C. Code § 57-1-370 to provide that the department rather than the commission must develop a Statewide Transportation Plan and is responsible for the procedures established for its development, content, and implementation; amendments to this section also includes deletion of sections pertaining to the responsibilities of the commission. Section 16 amends S.C. Code § 57-3-50, which relates to the establishment of highway districts, to substitute the term "department" for the term "commission"; Section 17 amends S.C. Code § 57-1-500 to delete the Department of Transportation's commissioners from participation in the Department of Transportation workshop; and Section 18 repeals S.C. Code §§ 57-1-310, 57-1-320, 57-1-325, 57-1-330, 57-1-340, 57-1-350, 57-1-460, 57-1-470, Article 7, Chapter 1, Title 56 and Sections 6, 7, and 8 of Act 114 of 2007, all related to the creation and functions of the Department of Transportation and its Commission. A closely similar index of Part III's content is contained within the Act's title.

Part IV of the Act, entitled "Rebalancing Administration to Enhance Economic Development and Transportation Revenues" contains Sections 19 and 20. Section 19 amends S.C. Code § 12-6-510 to provide an annual reduction of two-tenths of one percent in tax rates for individuals, estates, and trusts for taxable years after 1994, beginning in 2016 and ceasing in 2025, at which time the reduction in each affected tax bracket will be permanent. Furthermore, Section 20 proposes to amend S.C. Code Ann. § 12-28-310 relating to user fees on gasoline and diesel fuel, to provide a ten cent increase in the motor fuel user fee for a period of three years, beginning on January 1, 2016 and ending on January 1, 2019. The Act's title also contains a similar index of Part III to that which we have provided here.

Finally, Part V, entitled "Conforming and Miscellaneous Provisions," contains Sections 21 through 25. These sections state the General Assembly's finding that the provisions of the Act relate to one subject and that a common purposes or relationship is present among the sections; include a savings clause and a severability clause[1]; and concludes with the Act's effective dates.

Law/ Analysis

We begin with the caveat that our opinion herein does not speak to the wisdom or policy of the proposed legislation but only to the constitutionality. Policy questions are for the General Assembly to determine. Likewise, we do not comment upon the rules of procedure of either the Senate or the House of Representatives as application of such rules are left to each body. See Culbertson v. Blatt, 194 S.C. 105, 9 S.E.2d 218 (1940).

I. The One-Subject Rule

S.C. Const., art. III, § 17 provides that: [e]very Act or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title." Our Supreme Court has expounded on the purpose of this so called one-subject rule, as being "(1) to apprise the members of the General Assembly of the contents of the act by reading the title, (2) prevent legislative log-rolling and (3) inform the people of the state of the matter with which the General Assembly concerns itself." Sloan v. Wilkins, 362 S.C. 430, 438, 608 S.E.2d 579, 583 (2005), abrogated by American Petroleum Inst. v. S.C. Dep't of Revenue, 382 S.C. 572, 677 S.E.2d 16 (2009) (citations omitted). Article III, § 17 is to be liberally construed so as to uphold the Act if practicable. McCollum v. Snipes, 213 S.C. 254, 261, 49 S.E.2d 12, 14 (1948). Furthermore, doubtful or close cases are to be resolved in favor of upholding an Act's validity. Alley v. Daniel, 153 S.C. 217, 150 S.E. 691, 692 (1929).

It has been clarified that Article III, § 17 does not preclude the legislature from dealing with several branches of one general subject in a single act. Sloan, 362 S.C. at 438, 608 S.E.2d at 584. The one-subject rule is complied with if the title of an Act expresses a general subject and the body provides the means to facilitate accomplishment of the general purpose. Id (citing

[1] While the Act contains a severability clause, it is our opinion that it would not withstand the bright-line rule established in American Petroleum Inst. v. S.C. Dep't of Revenue, 382 S.C. 572, 677 S.E.2d 16 (2009) should a court determine any provision of the Act violates Article III, § 17. See discussions infra.

Keyserling v. Beasley, 322 S.C. 83, 470 S.E.2d 100 (1996). However, Article III, § 17 requires that "the topics in the body of the act [be] kindred in nature and hav[e] a legitimate and natural association with the subject of the title." Hercules, Inc. v. S.C. Tax Comm'n, 274 S.C. 137, 141, 262 S.E.2d 45, 47 (1980). Furthermore, the title must convey "reasonable notice of the subject matter to the legislature and the public." Id. at 143, 262 S.E.2d at 48.

II. Recent Supreme Court Application of the One-Subject Rule

While case law in our State on the one-subject rule is plentiful, we believe the analyses contained in recent decisions by our Supreme Court are highly informative on whether the Act we have been asked to consider would survive constitutional scrutiny under the one-subject rule. In particular, we wish to highlight American Petroleum Inst. v. S.C. Dep't of Revenue, 382 S.C. 572, 677 S.E.2d 16 (2009) and Sloan v. Wilkins, 362 S.C. 430, 608 S.E.2d 579 (2005), abrogated by American Petroleum Inst. v. S.C. Dep't of Revenue, 382 S.C. 572, 677 S.E.2d 16 (2009).

a. American Petroleum Inst. v. S.C. Dep't of Revenue

In American Petroleum Inst. v. S.C. Dep't of Revenue, 382 S.C. 572, 677 S.E.2d 16 (2009) the Supreme Court held Act 338 of 2008 (hereinafter "Act 338") unconstitutional for violating Article III, § 17. Sections 1 and 2 of the Act similarly pertained to sales tax exemptions, the first amending S.C. Code Ann. § 12-36-2120 to provide certain energy efficient products purchased for noncommercial use are exempted from sales tax and the second amending S.C. Code Ann. § 12-36-2120 to provide that handguns, rifles, and shotguns purchased during the "Second Amendment Weekend" are also exempted from sales tax. Id. at 575, 677 S.E.2d at 17. In contrast, the Act's third section, entitled "Terminal and other Requirements," amended Article 3 of Title 12, Chapter 28 by adding Section 12-28-340 and pertained to fuel blending. Id. Section 12-28-340 read as follows:

> (A) Regardless of other products offered, a terminal, as defined in Section 12–28–110(56), located within the State must offer a petroleum product that has not been blended with ethanol and that is suitable for subsequent blending with ethanol.
> (B) A person or entity must not take any action to deny a distributor, as defined in Section 12–28–110(17), or retailer, as defined in Section 12–28–110(52), who is doing business in this State and who has been registered with the Internal Revenue Service on Form 637(M) from being the blender of record afforded them by the acceptance by the Internal Revenue Service of Form 637(M).
> (C) A distributor or retailer and a refiner must utilize the Renewable Identification Number (RIN) trading system. Nothing in this section should be construed to imply a market value for RINs.

Id. at 575, 677 S.E.2d at 17-18.

In its application of Act 338 to the one-subject rule, the Court first looked to the Act's title, stating that "[t]he title of the act 'need not be an index to every provision of the act' in order to 'apprise members of the General Assembly" and "inform people of the State." Id. at 577, 677 S.E.2d at 18 (citing Carll v. S.C. Jobs-Economic Dev. Auth., 284 S.C. 438, 442, 327 S.E.2d 331,

334, (1985). The Court, in a two sentence analysis, addressed Act's 338's compliance in this regard, concluding that "[h]ere the title is in fact and index to each of the three provisions, so both the General Assembly and people are on notice." Id. at 577, 677 S.E.2d at 18.

Whether Act 338 constituted legislative log-rolling required further discussion. Id. Important to this opinion, the Court noted that "[l]og-rolling is a legislative practice of including several propositions in one measure. . . so that the legislature. . . will pass all of them, even though these propositions might not have passed if they has been submitted separately." Id. (quoting Black's Law Dictionary 849 (7th ed. 1999) (omissions in original) (internal citations omitted). "To prevent this practice, our constitution requires that an act relate to one subject." Id. (citing Hercules, Inc. v. S.C. Tax Comm'n, 274 S.C. 137, 262 S.E.2d 45 (1980)). Looking to Section 3's fuel blending amendment, the Court found it constituted legislative log-rolling, dismissing the argument that because it dealt with a tax credit, it was similar to the tax exemptions in Sections 1 and 2. Id. at 577, 677 S.E.2d at 19. The Court indicated that "[w]hile sections 1 and 2 specifically set forth tax exemptions, protection of a tax credit is not specifically mentioned in section 3." Id. Furthermore, the Court noted that "[i]t is also significant that the heading for section 3, found in the body of the Act, makes no mention of taxes, though the headings for section 1 and 2 do so explicitly." Id. at 578, 677 S.E.2d at 19. Thus, the Court held that because the provisions of Act 338 did not relate to one subject, it was therefore in violation of Article III, § 17 of the South Carolina Constitution. Id.

Also significant in American Petroleum is the bright-line rule set by the Court preventing severability if an Act is found to violate the one-subject rule. See Id. at 579, 677 S.E.2d at 20. The Court based its holding on the flawed nature of procedure in effect at the time of its ruling that an offending provision could be excised. Id. at 579, 677 S.E.2d at 19. Since no one subject exists, it reasoned that all subjects would therefore be offending provisions: "sections 1 and 2 offend the one subject provision of our constitution equally as much as section 3." Id. It further emphasized that "to sever the 'unconstitutional portion' of an act" the Court would have to "ascertain which subject is the 'proper' subject" or, in other words, "the one actually intended by the General Assembly." Id. Since this finding would require the judiciary to "usurp the prerogative of the General Assembly and thus act as a super-legislature" it held that an Act in violation of the one-subject rule is unconstitutional in its entirely. Id. The Court stressed that the policy behind the "bright-line rule," is to "deter log-rolling, provide certainty, and avoid arbitrary judicial enforcement of the one subject rule." Id. at 579, S.E.2d at 20.

b. Sloan v. Wilkins

The second case we believe to be of particular importance to our analysis is Sloan v. Wilkins, 362 S.C. 430, 608 S.E.2d 579 (2005), abrogated by American Petroleum Inst. v. S.C. Dep't of Revenue, 382 S.C. 572, 677 S.E.2d 16 (2009). In Sloan, our Supreme Court reviewed Act 187 of 2004 – commonly referred to as the "Life Sciences Act" – to determine whether it was in violation of the one-subject rule. Id. at 437, 608 S.E.2d at 583. While Sloan has been abrogated by American Petroleum's bright-line rule pertaining to severability as discussed above, it remains significant in its illustration that a group of diverse topics can be considered as compliant with the Constitution's one-subject provision.

After review of Act 187's contents, the Court noted "[i]t is patent that the myriad provisions comprising Act 187 simply do not comprise one subject." Id. at 438, 608 S.E.2d at 584. By footnote, it clarified that:

> [w]e simply cannot accept the dissent's assertion that the General Assembly may enact myriad measures, ranging from establishment of life sciences facilities to creation of a culinary acts institute, under the general guise of 'economic development,' and thereby comport with the one subject requirement of Article III, § 17. For this Court to accept such a premise would give tacit approval to legislative logrolling.

Id. at 438, n.6, 608 S.E.2d at 584, n.6. As we anticipate that this is precisely the argument that would be made in opposition to the Act before us should it be challenged, we will consider the provisions the Court upheld as relating to the Act's one subject and those that it did not. This will assist us greatly in gaining an understanding of the degree in subject matter necessary to be considered part of an Act's one subject.

In its analysis of the provisions it upheld, the Court began by stating that:

> [f]rom a reading of the entire Act, it is evident that its underlying purpose was to foster economic growth in this state through development of the life sciences industry. Accordingly, we find the "one subject" of the Act is that of life sciences. Further, we find several provisions of the Act are so intertwined with the provision and growth of the life sciences field that they can reasonably be deemed to fall within that subject.

Id. at 439-40, 608 S.E.2d at 584. Although Sloan was subsequently determined in American Petroleum to have violated the bright-line rule established there, the provisions Sloan found as relating to life sciences illustrate an Act can contain various topics while still comporting with the rule of single subject. Among the provisions upheld as constitutional were the following: sections contained in The Life Sciences Act providing for depreciation allowances of twenty percent for machinery and equipment used directly in the manufacturing process of a life science facility; annual reports of the cost benefit of the act; a section providing for economic development projects and bonds, and increases to the limits on general obligation debt; sections in the Venture Capital Investment Act to increase the availability of equity, near-equity, or seed capital in amounts of one hundred million dollars or more for emerging, expanding relocating, and restructuring enterprises in the State, so as to help strengthen the state's economic base, and the support economic development goals in the State; a section of the South Carolina Research University Infrastructure Act to increase the limitation on general obligation debt to six percent; and the Act's "Use of Funds" section. Id. at 440-41, 608 S.E.2d at 584-85.

Conversely, the following sections were considered outside of the purview of the Life Sciences Act: a section entitled "Public Institutions of Higher Learning" providing bonuses for employees, fee waivers for students, grant positions, and health insurance for graduate students; a requirement that the State Budget and Control Board formally establish each permanent improvement project before any actions may be taken to implement such subject; authorization

for Trident Technical College to establish a four-year culinary curriculum program; authorization for the University of South Carolina Sumter Campus to offer four-year degree programs; authorization for any campus of the University of South Carolina to close any of its campuses; requirement that public institutions of higher learning annually report the number of out-of-state undergraduate students in attendance at the university for each semester; sections pertaining to the LIFE scholarship requirements; establishment of a committee to study the feasibility and need for a School of Law at South Carolina State University in Orangeburg; and a section setting forth the General Assembly's intent that the provisions not be construed to appropriate funds. Id. at 442, 608 S.E.2d at 585-86. The Court concluded by stating, "[a]ny relation which [these provisions] may have is clearly too tangential to fit within the purpose and meaning of Article III, § 17. Id. at 442, 608 S.E.2d at 586.

Sloan's illustration of diverse, but related topics as compliant with the one subject rule is informative. The topics the Court found related to life sciences ranged from depreciation allowance for machinery and equipment used in life science facilities to increases in the availability of equity, near-equity, or seed capital for emerging, expanding relocating, and restructuring enterprises in the State. These show that subjects, while diverse, will withstand constitutional scrutiny so long as they are intrinsically related to the Act's one subject. In addition, the provisions Sloan severed as unconstitutional could in no way possible be related to life sciences.

III. Application

a. Notice to General Assembly & People of the State of South Carolina

We now turn to application of American Petroleum and Sloan to the Act in question. It is our opinion that Article III, § 17's requirements that the Act's title is sufficient to apprise the members of the General Assembly of its contents and to inform the people of the State of the matters with which the General Assembly concerns itself. As was the case in American Petroleum, the Act's title provides a detailed index of the sections covered in the body of the Act. Thus, following the precise analysis in American Petroleum that an index of the contents of the body of an Act is sufficient, it is our opinion that a court would find the Act's title adequately puts both the General Assembly and the people of our State on notice.

b. Legislative Log-rolling

Applying an identical approach to that used in Sloan, we believe a Court would find the purpose of the Act we have been asked to consider is economic growth in South Carolina through development and repair of the State's highway system. Accordingly, we believe a Court would determine the "one subject" of the Act is that of the "state highway system." As the state highway system is our one subject, we point out that "[t]he *planning*, construction, and *financing* of state roads is a governmental service which requires *statewide uniformity*." Town of Hilton Head Island v. Coalition of Expressway Opponents, 307 S.C. 449, 415 S.E.2d 801 (1992) (emphasis added).

Parts II, III, and IV of the Act contain the substance of the Act's body, and therefore analysis of each is warranted. Part II, entitled "Abolishing the Commission and the Department of Transportation," and Part III, entitled "Governance and Accountability of Transportation Administration" contain Sections 3 through 18. In review of the amendments to the South Carolina Code that these sections contain, it is apparent that Parts II and III provide a means to restructure the Department of Transportation in an effort to combat the bifurcation in leadership between the Secretary of Transportation and the Commission of the Department of Transportation and refocus the department on statewide interests. Parts II and III's amendments make the required changes needed to facilitate statewide uniformity by omitting the Commission of the Department of Transportation and providing the Secretary of Transportation as the Department's governing authority. All sections relating to the Commission or the overall structure of the Department of Transportation therefore necessitated amendment or repeal, and in our opinion, this is precisely what the General Assembly has done within Part III. Most importantly, these changes ensure that the increased revenues to the State highway system that the Act will generate will be utilized to meet statewide priorities, and thus maximize the impact of the State's economic development potential. It is our opinion that the restructuring of the Department of Transportation that Parts II and III provide are intrinsically related to economic growth as such will ensure improvements made to the State highway system are done efficiently and with an emphasis on statewide interests.

Part IV's title reflects its goal of "Rebalanc[ing] [the] Tax Administration to Enhance Economic Development and Transportation Revenues." Because our State's citizens and business alike would suffer from an increase in motor fuel tax, it is apparent this increase alone would result in economic detriment. This is precisely the opposite of the Act's intent of fostering economic growth. As funding is essential to improving our State's highway system, the General Assembly has found a "rebalance" in the tax administration is required to achieve the Act's purpose. Such rebalance is effectuated by the Act's reduction of tax rates for individuals, estates, and trusts, as provided within Section 19's amendment to S.C. Code Ann. § 12-6-510 which in turn permits the increase set forth in Section 20's amendment to S.C. Code Ann. 12-28-310 to the motor fuel tax.

It is without question that financing is essential to improvement of our state's highway system. The Act's rebalanced tax structure makes apparent that the Legislature has determined financing of improvements to the State's highway system has to be done within the state's ability to pay, and it is reasonable to think that the legislature has determined the most appropriate way to do so in its rebalancing structure. South Carolina has a longstanding practice of providing financing for state highways and other infrastructure through a financially sound system with the least possible burden on the taxpayers as possible. See Edwards v. Osborne, 193 S.C. 158, 7 S.E.2d 526 (1940). Thus, a system of financing, which protects taxpayers while improving the infrastructure for economic development, is interrelated. This would be a reasonable tradeoff by the General Assembly. We believe additional support for the correlation between the financing provisions provided in the Act and our State's highway system lies in the fact that a decrease in tax rates will boost the attractiveness of the State and, as a result, promote economic development. An increase in economic development from this perspective would also necessitate improvements to infrastructure.

The sections in American Petroleum and Sloan that the Court found to be in violation of Article III, § 17 are, in our opinion, readily distinguishable from the sections contained in the body of the South Carolina Infrastructure and Economic Reform Act of 2015. While the provisions contained within Parts II, III and IV of the Act are diverse, they are intrinsically related to economic development through improvements to our state's highway system. In contrast, American Petroleum's fuel blending amendment, contained in Section 3, was drastically different from the tax exemptions contained in Sections 1 and 2. Similarly, provisions in Sloan, such as the formation of a culinary institute at Trident Technical College and establishment of a committee to study the feasibility and need for a School of Law at the University of South Carolina in Orangeburg, could in no way be linked to fostering the State's economic growth through development of the life sciences industry. In light this distinction, we believe that a court would find the sections contained in Parts II, III and IV of the South Carolina Infrastructure and Economic Reform Act of 2015 do not constitute legislative log-rolling.

Conclusion

It is our opinion that a court would likely conclude that the South Carolina Infrastructure and Economic Reform Act of 2015 would pass constitutional muster pursuant to Art. III, § 17 of the South Carolina Constitution. Given the requirement that all doubt must be resolved in favor of the legislation's constitutionality, the Bill, if enacted, would be likely upheld under our Supreme Court's Art III, § 17 analysis.[2]

The title of the Bill is certainly constitutionally sufficient to place members of the General Assembly and the people on notice. Moreover, the various sections of the Bill are interrelated to the single subject of infrastructure improvement to promote economic development. Even Part IV's provisions concerning tax reductions relate to the overarching purpose of infrastructure improvements. Our Supreme Court has recognized that financing is an integral part of the statewide function of development of a highway system. The Bill seeks to upgrade the State's highways and infrastructure through an increase in the fuel tax, while at the same time doing so within the State's ability to pay and yet not undermine the goal of economic development. This "rebalancing" is sought through a reduction in taxes such as the income tax. There is a longstanding tradition in South Carolina, dating back to the 1920's, of building roads and highways while using a financially responsible method to do so.

Thus, if the legislature chooses to enact the Bill, and the Act is challenged on Art. III, § 17 grounds, we believe a court is likely to uphold it, concluding that the various parts of the legislation sufficiently interrelate to one another's single purpose of infrastructure improvements. Of course, this office makes no comment upon the policy considerations underlying the legislation as that is matter for the legislature to determine. Nor do we address the procedural

[2] See Op. S.C. Att'y Gen., 1998 WL 261528 (April 28, 1990) ("In considering the constitutionality of an act of the General Assembly, it is presumed that the act is constitutional in all respects."); Op. S.C. Att'y Gen., 1981 WL 157886 (July 29, 1981) ("It is a well-recognized rule of statutory construction that legislative enactments are presumed to be constitutional[.]"); see also Bauer v. South Carolina State Housing Authority, 271 S.C. 219, 229, 246 S.E.2d 869, 875 (1978) ("[L]egislative findings and declarations have no magical quality to make valid that which is invalid but they are entitled to weight. . . .").

requirements under the rules of either house as that is the sole province of that body. See Culbertson v. Blatt, 194 S.C. 105, 9 S.E.2d 218 (1940).

Very Truly Yours,

Robert D. Cook
Solicitor General