

1981 WL 157920 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 17, 1981

*1 Mr. Thomas S. Linton
Legislative Council of the General Assembly
Post Office Box 11417
Columbia, South Carolina 29211

Dear Mr. Linton:

In response to your request for an opinion from this Office regarding the constitutionality of [Section 2-13-90, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, inasmuch as it has been enacted, it must be presumed constitutional unless and until a court of competent jurisdiction declares otherwise. If an action were brought pursuant to [Section 15-53-40 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended (the Uniform Declaratory Judgments Act), my opinion is that [Section 2-13-90](#) would be upheld against a challenge under [Article III, Section 17 of the South Carolina Constitution](#) which requires that every act or resolution relate to one subject only which is to be expressed in the title. Notwithstanding the fact that [Section 2-13-90](#) provides for the adoption of an entire volume of the Code, which volume often contains titles which relate to more than one subject, the decisions of the South Carolina Supreme Court make clear that the constitutional requirement contained in [Article III, Section 17](#) is to be construed liberally in favor of the validity of an enactment. See, e.g., [Gasque v. Nates](#), 191 S.C. 271, 2 S.E.2d 36 (1939); [Dantzler v. Callison](#), 230 S.C. 75, 94 S.E.2d 177 (1956); [app'l dismissed](#) 352 U.S. 939, 77 S.Ct. 263, 1 L.Ed.2d 235 (1956).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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