

1982 S.C. Op. Att'y. Gen. 52 (S.C.A.G.), 1982 S.C. Op. Att'y. Gen. No. 82-45, 1982 WL 155014

Office of the Attorney General

State of South Carolina

Opinion No. 82-45

June 28, 1982

*1 The Honorable Harry A. Chapman, Jr.

State Senator

Post Office Box 10224, F.S.

Greenville, South Carolina 29603

Dear Senator Chapman:

Your letter of June 16 requests the opinion of this Office as to the effective date of Section 17 of the Permanent Provisions of the 1982–1983 General Appropriations Act. The concluding portion of the General Appropriations Act reads:

‘Except as otherwise specifically provided herein, this Act shall take effect immediately upon its approval by the Governor.’

This provision apparently applies to the entire Act, and not merely to the portions set forth in Part I thereof (Appropriations), but Part I is specifically directed to appropriations for the fiscal year 1982–1983. That year will not commence until July 1, 1982.

The Permanent Provisions are included in Part II of the General Appropriations Act, and at least some of those have specific dates established for their effectiveness, such as Section 6 of Part II; Section 17, however, has no specific date fixed for its effectiveness.

The Appropriations Act does not bear the signature of the Governor, as some of the items therein were vetoed by him, which vetoes were sustained, whereas others were overridden. None of these affect Section 17.

The effective date of the unvetoed matters would, therefore, depend upon the meaning to be given to the proviso quoted above, specifically the meaning of ‘approval by the Governor.’ [Article IV, Section 21, of the Constitution](#), provides basically that the Governor shall return Acts submitted to him within five days after they shall have been presented to him. The Appropriations Act was submitted to the Governor on June 9 and the time for action, therefore, expired on June 15, 1982. The entire bill was returned by the Governor to the House of Representatives at 4:55 p.m., on June 15, 1982, with his messages concerning the items vetoed being submitted also at that time. The Constitution of the State, in [Article IV, Section 21](#), provides also that: ‘If the Governor shall not approve of any one or more of the items or sections contained in any bill appropriating money, but shall approve of the residue thereof, it shall become a law as to the residue in like manner as if he had signed it.’

Section 17 of the Permanent Provisions must, therefore, be considered as having been signed by the Governor on June 15 when he returned that section without action by him.

The Governor could have waited until midnight, June 15, in order to take action, but, instead, he returned the entire bill, with his objections to portions thereof, at 4:55 p.m., on June 15. This fraction of a day can, in my opinion, be disregarded. This has the effect of making June 16, 1982, as the effective date of Section 17.

With best wishes,

Cordially,

Daniel R. McLeod
Attorney General

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