

1980 WL 120727 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 18, 1980

***1** The Honorable Richard W. Riley
Governor
State of South Carolina
Post Office Box 11450
Columbia, South Carolina 29211

Dear Governor Riley:

In response to your request for an opinion from my Office as to the constitutionality of a 1980 act of the General Assembly which provides for the trapping of furbearing animals and for the exemption of three State agencies' regulations from certain requirements of the Administrative Procedures Act, my opinion is that it is most probably unconstitutional as violative of [Article III, Section 17 of the South Carolina Constitution](#) because it relates to more than one subject. Nevertheless, the South Carolina Supreme Court has consistently held that the provisions of [Article III, Section 17](#) are to be given a broad interpretation and there are few cases, if any, which invalidate legislation on this ground alone. See, i.e., [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). The section of this legislation which excepts certain regulations of three State agencies from the ninety-day legislative approval procedure mandated by [Section 1-23-120 of the Code](#) is most probably unconstitutional as violative of the 'no special laws where a general law can be made applicable' language of [Article III, Section 34](#), subdivision ix of the State Constitution, unless it can be shown that special conditions require such exception. See, e.g., [Sansing v. Cherokee County Tourist Camp Board](#), 195 S.C. 7, 10 S.E.2d 157 (1940).

Sincerely,

Daniel R. McLeod
Attorney General

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