

1980 WL 120798 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 28, 1980

\*1 Honorable Harold E. Trask, Jr.  
Commissioner  
South Carolina Industrial Commission  
1800 St. Julian Place  
Columbia, South Carolina 29204

Dear Commissioner Trask:

You have asked whether § 42-3-185, which was recently enacted by the General Assembly, voids all policies and regulations implemented prior to the passage of this act. The newly implemented § 42-3-185 states:

‘Any policies or procedures implementing the provisions of Section 42-15-90 shall become effective only when such implementation is accomplished by regulations promulgated in accordance with the Administrative Procedures Act, which proposed regulations shall have before promulgation received approval of the Judiciary Committees of the Senate and House of Representatives and also by Concurrent Resolution of the General Assembly.’

In order for this act to void prior rules and regulations which were properly promulgated, the act would necessarily operate retroactively. However, a cardinal rule of statutory construction is that an act will not be given retrospective effect in the absence of a very clear provision. [Independence Ins. Co. v. Independent Life and Acc. Inc. Co.](#), 218 S.C. 22, 61 S.E.2d 399 (1950). There is a presumption that statutory enactments will be considered prospective rather than retroactive in their operation unless there is a specific provision or clear legislative intent to the contrary; no statute will be applied retroactively unless that result is so clearly compelled as to leave no room for reasonable doubt. [Hyder v. Jones](#), 21 S.C. 85, 245 S.E.2d 123 (1978); [Neel v. Shealy](#), 261 S.C. 266, 199 S.E.2d 242 (1973).

Since there is no provision and no clear legislative intent that § 42-3-185 be applied retroactively, it is the opinion of this office that this section operates prospectively only, and does not void previously promulgated rules, regulations and policies.

Sincerely,

James W. Johnson, Jr.  
Assistant Attorney General

1980 WL 120798 (S.C.A.G.)