

1975 WL 29103 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 27, 1975

\*1 Honorable Larkin H. Jennings, Jr.  
Member  
Board of Visitors of The Citadel  
Post Office Box 665  
Union, South Carolina 29379

Dear Mr. Jennings:

As Chairman of the Rules and Regulations Committee of the Board of Visitors of The Citadel, you have requested my opinion as to the effect which S-517, a Concurrent Resolution of the General Assembly adopted at its 1975 session, may have upon existing law with respect to the constitution of the membership and authority of the Board of Visitors of The Citadel.

S-517 is designated as a Concurrent Resolution. It was introduced, adopted and sent to the House on May 28, 1975. It was introduced, adopted and returned to the Senate, with concurrence by the House of Representatives, on May 29, 1975. S-517, as stated, is styled a 'A Concurrent Resolution,' and was not signed by the President of the Senate and the Speaker of the House of Representatives but was instead signed by the Clerk of the Senate and the Clerk of the House. It was not sent to the Governor for his approval or disapproval under his veto power and does not bear the Great Seal of the State.

Article III, Section 18 of the Constitution of this State, sets forth the formalities that must be followed before a Bill or Joint Resolution may have the force of law:

'No Bill or Joint Resolution shall have the force of law until it shall have been read three times and on three several days in each House, has had the Great Seal of the State affixed to it, and has been signed by the President of the Senate and the Speaker of the House of Representatives.'

Article IV, Section 21, requires that every Bill or Joint Resolution must be signed by the Governor before it becomes law or it must be passed over his veto by two-thirds vote of each House.

The effect of these constitutional requirements is evident and has been forcibly stated in decisions by the Supreme Court of South Carolina. In [State v. Farnum](#), 73 S.C. 165, 170, 53 S.E. 83, the Court stated:

'It is quite true that no action of the General Assembly by whatever name it may be called can have the force of law binding on the citizens of the State generally without complying with the statutory requirements above referred to—.'

See also [Smith v. Jennings](#), 67 S.C. 324, 45 S.E. 821, in which the Court stated:

'Such resolutions must, in order to have the force of law,—be passed in both branches of the legislature, having been read three times on three several days in each House; must be signed by the president of the Senate and Speaker of the House of Representatives; must have the Great Seal of the State attached thereto; must be approved and signed by the Governor, or passed over his veto by a two-thirds vote of each House.'

S-517 fails to comply with any of the fundamental constitutional requirements for the enactment of a statute. It does not alter or abrogate any existing statute relating to the composition and powers of the Board of Visitors of The Citadel and does not confer on General Pollock any right, authority or duty with respect to the Board of Visitors. Those rights, powers, and duties are vested by an existing, unchanged statute designated as Sections 22-302, et seq., Code of Laws of South Carolina, 1962, as amended. As stated, S-517 does not affect those statutes in any manner.

\*2 S-517 is, at best, an attempt to give official recognition to the long and distinguished career of General Pollock during which he rendered dedicated service not only to his State but to the Nation. S-517 does not, however, have the force and effect of law.

Very truly yours,

Daniel R. McLeod  
Attorney General

#### **ATTACHMENT**

#### **CONCURRENCE**

S. 209.—Messrs. Waddell, Drummond and Rubin: A Bill to provide for the classification of property, uniform assessment ratios and a Statewide property equalization program for all counties of the State; to amend Section 65-1618 of the 1962 Code, as amended, and Act 1012 of 1966, both relating to the assessment of merchants' and manufacturers' property, so as to delete provisions relating to assessment ratios; and to repeal Act 1266 of 1972, relating to assessment of merchants' and manufacturers' property.

The House returned the Bill with amendments.

Mr. WADDELL explained the amendments.

On motion of Mr. WADDELL, the Senate agreed to the amendments made by the House of Representatives and a message was sent to the House accordingly. Ordered that the title be changed to that of an Act and the Act enrolled for ratification.

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

S. 517.—Messrs. STEVENS and WADDELL: A Concurrent Resolution designating General Edwin A. Pollock, U.S.M.C. (Ret.), as Chairman Emeritus of the Board of Visitors of The Citadel.

Whereas, General Edwin A. Pollock, U.S.M.C. (Ret.), served his alma mater, The Citadel, for many years as a member and Chairman of the Board of Visitors, having been elected by both the General Assembly and The Citadel Alumni Association; and

Whereas, General Pollock is the only Marine ever to have commanded both the Pacific and Atlantic Fleet Marine Forces and his FMP Pacific Command was the largest fighting force ever assembled by the Marine Corps; and

Whereas, throughout his long and illustrious career this distinguished and highly decorated Marine's Marine has constantly reflected credit upon The Citadel and is the epitome of the true Citadel Man; and

Whereas, in appreciation to General Pollock and seeking his continued counsel the Board of Visitors of The Citadel has designated him as Chairman Emeritus of The Citadel Board of Visitors. Now, therefore,

*Be it resolved* by the Senate, the House of Representatives concurring:

That the General Assembly of South Carolina hereby designates General Edwin A. Pollock, U.S.M.C. (Ret.), as Chairman Emeritus of the Board of Visitors of The Citadel with all privileges appertaining thereto including a voice and seat on the Board.

*Be it further resolved* that a copy of this resolution be forwarded to General Pollock.

On immediate consideration, the Concurrence Resolution was adopted, ordered sent to the House.

S. 518.—Messrs. LONG, STEVENS, GRESSETTE, MORRIS, BOWEN, FLOYD, DOAR, BRISTOW, RODDEY, HOLLAND, HARRELSON, SALEEBY, WADDELL, LAKE, MENDENHALL, HARRIS, MOORE, GARRETT, DRUMMOND, GASQUE, MEDLOCK, BALLENGER, McDONALD, CHAPMAN, J. VERNE SMITH, McMILLAN, HORACE C. SMITH, WISE, GOODSTEIN, TAYLOR, RUBIN, WILLIAMS and RILEY: A Concurrent Resolution to commend and congratulate State Fire Marshal Jesse Johnson upon his election as the President of the Fire Marshal's Association of North America.

\*3 Whereas, Jesse Johnson served this State as a member of the Columbia Fire Department from 1932 to 1951 to which time he became State Deputy Fire Marshal and served in that capacity until 1966; and

Whereas, he was appointed State Fire Marshal in 1966 and is presently serving in that capacity; and

Whereas, by his dedication and untiring efforts in the field of fire protection and prevention he is recognized as one of the most knowledgeable fire marshals in North America; and

Whereas, his peers recently bestowed upon him the highest honor in his profession by electing him as the President of the Fire Marshal's Association of North America, which includes the fifty states and Canada, at their 79th annual conference held May 12-16, 1975, in Chicago, Illinois; and

Whereas, Jesse Johnson is the first South Carolinian to be elected President of the Association. Now, therefore,

*Be it resolved* by the Senate, the House of Representatives concurring:

That the General Assembly by this resolution commends and congratulates Mr. Johnson upon his election as President of the Fire Marshal's Association of North America and thanks him for his over forty years of service to this State in the area of Fire Protection and Prevention.

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