

1973 WL 27761 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 22, 1973

*1 Mr. Ralph A. Durham
Deputy Superintendent of Education
Rutledge Building
Columbia, South Carolina

Dear Mr. Durham:

In answer to your request for an opinion on the effect of the 1973 Act bearing ratification No. 106, I am of the opinion that this Act is temporary in nature, in that the Act is effective for the 1972-73 school year only. In effect this 1973 Act amends for the 1972-73 school year the provisions of § 21-8, Code of Laws of South Carolina as amended, in three ways:

1. The Act makes mandatory, rather than permissive, that the State Board of Education suspend on request five make-up-days because of the extreme weather conditions of 1972-73;
2. The Act further suspends the provision in § 21-8 excluding the first two days lost as a result of the extreme weather conditions;
3. The Act provides also that all days, not just the five subject to suspension, shall not be included in the average daily attendance records of each school district.

There has been some question raised as to the temporary nature of the sentence of Section 1 of this Act, which relates to excluding such make-up-days from the average daily attendance records. The legislative history of this Act shows that this specific sentence was added by way of amendment on February 15, 1973, without making any corresponding amendment in the title of the Act. Such an amendment would indicate that this provision was meant to be effective only for the 1972-73 school year. 'While the courts construe the provision of the Constitution in question (that an Act shall relate to but one subject, which shall be expressed in its title) very liberally to the end that legislation shall not thereby be needlessly hampered and embarrassed, still, when the title of an Act definitely and specifically limits its object . . . the courtss must limit the operation of the Act to the subject so expressed in the title.' [State v. Blease 79 S.E. 247, 95 S.C. 403 \(1913\)](#).

Please contact me if I can provide any further assistance.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

1973 WL 27761 (S.C.A.G.)

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.