CHAPTER 7

Legislative Enactments

ARTICLE 1

General Provisions

**SECTION 2‑7‑10.** Effective date of legislative enactments.

 No act or joint resolution passed by the General Assembly shall take effect or become of force until the twentieth day after the day of its approval by the executive, unless some other day be specially named in the body of the act or joint resolution as the day upon which it shall take effect.

HISTORY: 1962 Code Section 30‑201; 1952 Code Section 30‑201; 1942 Code Section 2079; 1932 Code Section 2079; Civ. C. ‘22 Section 41; Civ. C. ‘12 Section 39; Civ. C. ‘02 Section 36; G. S. 33; R. S. 36; 1879 (17) 69.

CROSS REFERENCES

Constitutional requirement that bill or joint resolution must be signed or vetoed by the governor, see SC Const, Art 4, Section 21.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k249.

Statutes 249.

C.J.S. Statutes Section 389.

Attorney General’s Opinions

While Section 2‑7‑10’s applicability is conditioned upon there being no other date specially named in the body of the act, the contingency in 2013 Act No. 61 (S.2) that the Act becomes effective upon preclearance is no longer possible in light of Shelby County, Ala. v. Holder, 133 S.Ct. 2612 (2013); thus, Section 2‑7‑10 is applicable. S.C. Op.Atty.Gen. (July 2, 2013) 2013 WL 3479874.

Section 22, Part II, 1983 Act No. 151, which imposed an additional tax upon alcoholic liquors is effective upon the Governor’s approval. 1983 Op Atty Gen, No. 83‑31, p. 49.

NOTES OF DECISIONS

In general 1

1. In general

Contingency, which was placed on effective date of Equal Access to the Ballot Act, of preclearance by the United States Department of Justice of changes to election law, was met, and, thus, Act was in effect, where General Assembly’s intent in making preclearance a contingency was to comply with the then‑mandatory provisions of the Voting Rights Act, and a United States Supreme Court decision obviated the need for that compliance. South Carolina Libertarian Party v. South Carolina State Election Com’n (S.C. 2014) 407 S.C. 612, 757 S.E.2d 707. Election Law 233(3)

There is a presumption that statutory enactments are intended to be applied prospectively only and not retroactively unless there is a specific provision or clear legislative intent to the contrary. Hyder v. Jones (S.C. 1978) 271 S.C. 85, 245 S.E.2d 123. Statutes 1557

An exception to the presumption of prospective application for remedial or procedural statutes is inapplicable to a statute that supplies a legal remedy where formerly there was none. Hyder v. Jones (S.C. 1978) 271 S.C. 85, 245 S.E.2d 123. Statutes 1565

Cited in State v. Gilliam (S.C. 1946) 208 S.C. 126, 37 S.E.2d 299.

Applied in Mims v. Jones (S.C. 1917) 107 S.C. 81, 91 S.E. 987.

Failure to return act within three days is considered approval. The failure of the Governor to return an act of the General Assembly within three days after its presentation to him (SC Const, Art 4, Section 23) was considered as an approval by the executive so as to take effect twenty days after his approval as set out in this section [Code 1962 Section 30‑201]. Goree v. Greenwood County Supervisor (S.C. 1912) 93 S.C. 312, 76 S.E. 705.

Recommendation by Senate within twenty days after Governor’s approval is of no effect. Under this section [Code 1962 Section 30‑201], any recommendation by the Senate to fill an office created by an act of the General Assembly within twenty days after the approval of the act by the executive is of no effect. Goree v. Greenwood County Supervisor (S.C. 1912) 93 S.C. 312, 76 S.E. 705.

Act becomes effective on twentieth day. Under this section [Code 1962 Section 30‑201] an act of the General Assembly making the county supervisor a member of the board of county commissioners went into effect twenty days after the approval of the Governor, and the county supervisor became at once a member of the board of county commissioners, it not being necessary to await another election for county supervisor. State v. Jaques (S.C. 1903) 65 S.C. 178, 43 S.E. 515.

**SECTION 2‑7‑20.** Effect of repeal of legislative enactment.

 The repeal of an act or joint resolution shall not revive any law theretofore repealed or superseded, nor any office theretofore abolished.

HISTORY: 1962 Code Section 30‑202; 1952 Code Section 30‑202; 1942 Code Section 2080; 1932 Code Section 2080; Civ. C. ‘22 Section 42; Civ. C. ‘12 Section 40; Civ. C. ‘02 Section 37; G. S. 34; R. S. 37; 1872 (15) 37.

LIBRARY REFERENCES

Westlaw Key Number Searches: 361k169; 361k170.

Statutes 169, 170.

C.J.S. Statutes Sections 300 to 302, 304 to 305.

NOTES OF DECISIONS

In general 1

1. In general

Under this section [Code 1962 Section 30‑202] a law allowing attorney’s cost was not revived by a statute repealing an act which repealed all prior acts relating to and allowing attorney’s cost. Addison v Sujette (1897) 50 SC 192, 27 SE 631; Addison v Sugette (1898) 51 SC 305, 28 SE 948.

This section [Code 1962 Section 30‑202] would seem to indicate that the legislative policy of this State is against finding a saving clause by implication. Columbia Ry., Gas & Elec. Co. v. Carter (S.C. 1924) 127 S.C. 473, 121 S.E. 377.

**SECTION 2‑7‑30.** Construction of words.

 (A) The words “person” and “party” and any other word importing the singular number used in any act or joint resolution shall be held to include the plural and to include firms, companies, associations, and corporations and all words in the plural shall apply also to the singular in all cases in which the spirit and intent of the act or joint resolution may require it. All words in an act or joint resolution importing the masculine gender shall apply to females also and words in the feminine gender shall apply to males. And all words importing the present tense shall apply to the future also.

 (B)(1) In determining the meaning of any act or joint resolution of the General Assembly or in a regulation promulgated pursuant to Article 1, Chapter 23, Title 1, unless otherwise defined in the act, joint resolution, or regulation, the words “person”, “human being”, “child”, and “individual” must include every infant member of the species homo sapiens who is born alive at any stage of development.

 (2) As used in this subsection, the term “born alive”, with respect to a member of the species homo sapiens, means the complete expulsion or extraction from the mother of that member, at any stage of development, who after the expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

 (3) Nothing in this subsection may be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point before being born alive as defined in this subsection.

HISTORY: 1962 Code Section 30‑203; 1952 Code Section 30‑203; 1942 Code Section 2081; 1932 Code Section 2081; Civ. C. ‘22 Section 43; Civ. C. ‘12 Section 41; Civ. C. ‘02 Section 38; G. S. 35; R. S. 38; 2012 Act No. 174, Section 2, eff May 25, 2012.

Editor’s Note

2012 Act No. 174, Section 1, provides as follows:

“This act may be referred to and cited as the ‘Born Alive Infant Protection Act’.”

Effect of Amendment

The 2012 amendment rewrote the section.

CROSS REFERENCES

Applicability of this section to the definition of “person” for purposes of the South Carolina Mountain Ridge Protection Act of 1984, see Section 48‑49‑30.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k199.

Statutes 199.

C.J.S. Statutes Section 335.

RESEARCH REFERENCES

ALR Library

17 ALR 6th 1 , Contribution Between Joint Tortfeasors as Affected by Settlement With Injured Party by One or More Tortfeasors.

Encyclopedias

S.C. Jur. Abortion Section 2, Overview.

Treatises and Practice Aids

Fletcher Cyclopedia Law of Private Corporations Section 4215, Effect of Statutory Provisions‑Corporation as “Person,” “Party,” etc.

Attorney General’s Opinions

The District may use GO bond authority to refund its 2001 revenue bond debt. S.C. Op.Atty.Gen. (February 19, 2013) 2013 WL 770264.

A governmental entity is not a “person” as that term is used in the context of filing a claim under the Tort Claims Act; the Tort Claims Act should not be construed to permit a claim by a governmental entity. 1987 Op Atty Gen, No. 87‑90, p 240.

NOTES OF DECISIONS

In general 1

1. In general

Applied in Re Roton’s Will (1913) 95 SC 118, 78 SE 711; State v Riddle (1931) 160 SC 477, 158 SE 833.

The definition of “person” in Section 2‑7‑30 does not necessarily exclude state and other government entities from the operation of the Uniform Contribution Among Tortfeasors Act, Section 15‑38‑20(B), since (1) the term “include” suggests that Section 2‑7‑30 is not an exhaustive list of legal entities comprehended by “person,” and (2) a fair reading of the Act indicates that the legislature intended it to apply to all tortfeasors. Southeastern Freight Lines v. City of Hartsville (S.C. 1994) 313 S.C. 466, 443 S.E.2d 395, rehearing denied. Contribution 5(6.1); States 112.2(1)

Quoted in Schumacher v. Chapin (S.C. 1955) 228 S.C. 77, 88 S.E.2d 874.

**SECTION 2‑7‑35.** Handicapped person defined.

 Wherever the term “handicapped person” appears in the laws of this State, unless it is stated to the contrary, it shall mean a person who:

 (1) Has a physical or mental impairment which substantially limits one or more major life activities including, but not limited to caring for himself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working;

 (2) Meets any other definition prescribed by federal law or regulation for use by agencies of state government which serve handicapped persons.

HISTORY: 1978 Act No. 437, Section 1.

CROSS REFERENCES

Further provisions relating to the definition of handicap, handicapped, and mental impairment, see Section 43‑33‑560.

LIBRARY REFERENCES

Westlaw Key Number Search: 78k1218.

Civil Rights 1218.

C.J.S. Civil Rights Section 61.

Attorney General’s Opinions

It is unclear whether the term “handicapped person” as defined in Sections 2‑7‑35 and 43‑33‑560 includes persons who suffer from diseases or persons infected with the Human Immunodeficiency Virus; an amendment for clarification is recommended. 1989 Op Atty Gen, No. 89‑34, p 90.

**SECTION 2‑7‑40.** References to members of county legislative delegations in certain statutes affecting multi‑county senatorial districts.

 In multi‑county senatorial districts, all references in existing statutes relative to county affairs and appointments to the members of a county legislative delegation or language of similar import, except in statutes relating to appointments required to be made upon the advice and consent of the Senate, in a determination of action by the delegation under the statutes, shall mean a majority of the members of the House of Representatives resident in the county when such county is without a resident Senator and one half of such members when such county has a resident Senator and shall include in all such counties with or without a resident Senator at least one Senator thereof in those districts having not more than two Senators and at least two Senators in those districts having at least three Senators; provided, however, that this section shall not apply to any county having more than five members of the House of Representatives.

HISTORY: 1962 Code Section 30‑203.1; 1967 (55) 1005.

Attorney General’s Opinions

(1) Legislation which would merge county boards of voter registration and county election commissions on a county by county basis, would probably be in violation of Article VIII, Section 7 of the Constitution, prohibiting laws for a special county; (2) It may be permissible to have separate legislative delegations for House and Senate members from a county; however, a county council would not be required to maintain separate office space for both; (3) Section 30‑203.1 [1976 Code Section 2‑7‑40] controls the method of county appointments and recommendations made by the legislative delegation of each county. 1976‑77 Op Atty Gen, No. 77‑5, p 15.

Appointment of county commissioners of election. The Governor may appoint county commissioners of election in Dorchester County upon the recommendation of one of the county’s Senators and a majority of the members of the House of Representatives from the county, but such appointment must be made at least thirty days prior to the election. 1971‑72 Op Atty Gen, No. 3370, p 220.

Appointments to county board of education. The Lexington County delegation may not make appointments to the county board of education until two Senators hold office. 1967‑68 Op Atty Gen, No. 2550, p 245.

**SECTION 2‑7‑45.** Adoption of the Code of Laws of South Carolina, 1976, as only general statutory law of State.

 The Code of Laws of South Carolina, 1976, which contains the permanent laws of general application through the 1975 session of the General Assembly and which was presented to the members of the General Assembly during the 1977 session is hereby adopted as the Code of Laws of South Carolina, 1976, and is declared to be the only general statutory law of the State as of January 1, 1976.

HISTORY: 1977 Act No. 95, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k144.

Statutes 144.

C.J.S. Statutes Sections 266 to 267, 272.

**SECTION 2‑7‑50.** Amendments, additions and repeals may be made by reference to this Code.

 Whenever, in any act, reference is made to this Code for the purpose of altering, amending, adding to or repealing any part thereof, such reference, alteration, amendment, addition or repeal shall be construed to apply to the original law purporting to be revised in such revision as fully and specifically as though such original laws were mentioned in the act containing such reference, alteration, amendment, addition or repeal.

HISTORY: 1962 Code Section 30‑204; 1952 Code Section 30‑204; 1942 Code Section 2110; 1932 Code Section 2110; Civ. C. ‘22 Section 74; Civ. C. ‘12 Section 64; Civ. C. ‘02 Section 61; 1896 (22) 3.

LIBRARY REFERENCES

Westlaw Key Number Searches: 361k230; 361k232.

Statutes 230, 232.

C.J.S. Statutes Section 373.

NOTES OF DECISIONS

In general 1

1. In general

Statutory amendment decreasing from 14 percent to 12 percent the post‑judgment interest rate did not change the post‑judgment interest rate of 14 percent on a judgment relating to a cause of action which arose before the January 1, 2001 effective date of the statutory amendment, and post‑judgment interest therefore continued to accrue at 14 percent after the effective date, though final judgment was not rendered until after the effective date; statutory amendment stated that it applied with respect to interest calculated pursuant to causes of action arising or accruing on or after effective date. Collins Music Co., Inc. v. IGT (S.C.App. 2005) 365 S.C. 544, 619 S.E.2d 1, rehearing denied, certiorari denied. Interest 30(3)

**SECTION 2‑7‑60.** Annual general appropriations act.

 The General Assembly shall annually provide for all expenditures in the general appropriation act and the appropriations made for any department, institution, board or commission shall be in a definite sum for each purpose or activity with such itemization under the activity as may be deemed necessary by the General Assembly.

HISTORY: 1962 Code Section 30‑205; 1952 Code Section 30‑205; 1942 Code Section 2082; 1932 Code Section 2082; Civ. C. ‘22 Section 44; 1921 (32) 114.

CROSS REFERENCES

Bills for revenue, generally, see SC Const, Art 3, Section 15.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k129.

States 129.

C.J.S. States Sections 230, 232.

Attorney General’s Opinions

A proviso inserted in an appropriations bill, unless there are indications to the contrary, must be complied with for the release of the appropriated money. 1974‑75 Op Atty Gen, No 4078 p 154.

**SECTION 2‑7‑62.** Report to General Assembly on transfer of funds resulting from transfers for responsibilities between agencies during consideration of general appropriation act.

 At each stage of consideration of the annual general appropriation act, the Revenue and Fiscal Affairs Office shall compile and submit a report to the Members of the General Assembly containing any transfer of funds resulting from the transfer of programs, functions, or responsibilities between agencies and institutions of state government. A transfer must be designated as to its origin and subsequent placement in the act with reference to the appropriate page and line number.

HISTORY: 1981 Act No. 178, Part II, Section 34; 2005 Act No. 164, Section 3, eff June 10, 2005.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1).

Effect of Amendment

The 2005 amendment in the first sentence substituted “Budget and Control Board” for “State Auditor” and made nonsubstantive changes throughout.

LIBRARY REFERENCES

Westlaw Key Number Searches: 360k73; 360k129.

States 73, 129.

C.J.S. States Sections 130 to 136, 140, 230, 232.

**SECTION 2‑7‑65.** Agencies, departments and institutions to justify amount of requested appropriations.

 The Governor shall, prior to making annual recommendations to the General Assembly of the amounts to be appropriated to the various state agencies, departments and institutions, as required by Section 2‑7‑60 of the 1976 Code, require them to justify the entire amount of money they are requesting. It is the intent of this section that each state agency, department or institution shall be required to justify its recurring expenses, as well as any new or additional expenses.

 For the purpose of justification as set forth in this provision, the Budget and Control Board shall require each state agency, department and institution to submit for each program the purposes, objectives and such quantitative measurements regarding services provided as the Budget and Control Board in consultation with the Joint Legislative Appropriations Review Committee might deem necessary for program evaluation.

HISTORY: 1979 Act No. 199, Part II, Section 8; 1980 Act No. 517, Part II, Section 3.

Code Commissioner’s Note

At the direction of the Code Commissioner, reference in the first paragraph of this section to the former State Budget and Control Board was changed to the Governor pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1). Reference in the second paragraph to the former State Budget and Control Board was not changed pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), until further action by the General Assembly.

CROSS REFERENCES

Division of Savannah Valley Development’s status as an agency, see Section 13‑1‑810.

SC Edisto Development Agency not an “agency,” “state agency,” or other form of state institution for purposes of this section, see Section 13‑21‑220.

SC Midlands Authority not an “agency,” “state agency,” or other form of state institution for purposes of this section, see Section 13‑19‑210.

South Carolina Jobs—Economic Development Authority not considered “agency” or “state agency” or other form of state institution for purposes of this section, see Section 41‑43‑280.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k129.

States 129.

C.J.S. States Sections 230, 232.

**SECTION 2‑7‑66.** Education Improvement Act appropriations to agencies and entities other than Education Department.

 Education Improvement Act of 1984 appropriations for programs which are administered by agencies and entities other than the State Department of Education must be included in the annual general appropriations bill under the section containing appropriations for the State Department of Education in a separate subsection titled “Education Improvement Act Appropriations to Other Agencies and Entities”; Funds appropriated under this subsection must be disbursed to the agencies and entities by the State Treasurer in accordance with state accounting policies and procedures.

HISTORY: 1988 Act No. 658, Part II, Section 29.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k129.

States 129.

C.J.S. States Sections 230, 232.

**SECTION 2‑7‑68.** Format for general appropriations bill sections providing for employment of additional personnel.

 Beginning with the State General Appropriation Bill for the Fiscal Year 1980‑81 and each year thereafter, each section of the Bill which provides for the employment of additional personnel shall include a separate line item for all new employees for whom compensation is provided in the section concerned and such line items shall be divided according to the job classifications of such additional employees.

 Beginning with Fiscal Year 1984‑85 and each year thereafter, every proviso appearing in Part I of the Bill which regulates the expenditure of any funds appropriated or deals with related matters, but which did not appear as a proviso in Part I of the State General Appropriation Bill or State General Appropriation Act for the immediately preceding fiscal year, must be italicized.

HISTORY: 1979 Act No. 199, Section 32; 1980 Act No. 517, Part II, Section 26; 1981 Act No. 178, Part II, Section 5; 1983 Act No. 151, Part II, Section 19.

CROSS REFERENCES

Statutory limitation on increases in number of state employees, see Section 11‑11‑420.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k129.

States 129.

C.J.S. States Sections 230, 232.

**SECTION 2‑7‑69.** Inclusion of new positions in general appropriation act; copies of Analysis of Change in appropriations by agency.

 (A) Notwithstanding another provision of law, if the Budget and Control Board authorizes a state agency to exceed the number of positions authorized by the general appropriation act, the authorization for the positions must terminate at the end of the fiscal year in which the authorization is made unless the authorization is included as a new position in the general appropriation act for the following fiscal year. At each stage of the consideration of the annual general appropriation bill, the Budget and Control Board shall compile and present in a report to the Members of the General Assembly an explanation and justification of all such new positions.

 (B) At each stage of consideration of the general appropriation bill, the Revenue and Fiscal Affairs Office shall provide a member of the body presently considering the bill, upon his request, a copy of the Analysis of Change which details changes in appropriations by agency as of the most recent legislative action.

HISTORY: 1981 Act No. 178, Part II, Section 31; 1982 Act No. 466, Part II, Section 24; 2005 Act No. 164, Section 4, eff June 10, 2005.

Code Commissioner’s Note

At the direction of the Code Commissioner, reference in (A) to the former Budget and Control Board has not been changed pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1), until further action by the General Assembly. Reference in (B) to the former Budget and Control Board was changed to the Revenue and Fiscal Affairs Office pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1).

Effect of Amendment

The 2005 amendment, in subsection (A), in the second sentence substituted “Budget and Control Board” for “State Auditor” and made nonsubstantive changes subsections (A) and (B).

LIBRARY REFERENCES

Westlaw Key Number Searches: 360k53; 360k73; 360k130.

States 53, 73, 130.

C.J.S. States Sections 81 to 83, 86, 93 to 98, 101, 130 to 136, 140, 231, 233.

**SECTION 2‑7‑70.** Itemization of appropriation bills.

 All bills introduced in either house carrying appropriations shall be itemized in accordance with the classifications used in the budget.

HISTORY: 1962 Code Section 30‑206; 1952 Code Section 30‑206; 1942 Code Section 3221; 1932 Code Section 3221; Civ. C. ‘22 Section 917; 1919 (31) 187.

CROSS REFERENCES

Bills for revenue, generally, see SC Const, Art 3, Section 15.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k131.

States 131.

C.J.S. States Sections 234 to 239.

**SECTION 2‑7‑71.** Tax bills; requirement of estimated revenue impact statement.

 When a bill relating to state taxes is reported out of a standing committee of the Senate or House of Representatives for consideration, there must be attached and printed as a part of the committee report a statement of the estimated revenue impact of the bill on the finances of the State certified by the Board of Economic Advisors. As used in this section “statement of estimated revenue impact” means the consensus of the persons executing the required statement as to the increase or decrease in the net tax revenue to the State if the bill concerned is enacted by the General Assembly. In preparing a statement, the Board of Economic Advisors may request technical advice of the Department of Revenue.

HISTORY: 1978 Act No. 644, Part II, Section 338; 1983 Act No. 151, Part II, Section 15; 1993 Act No. 181, Section 21; 1997 Act No. 82, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k13.

Statutes 13.

C.J.S. Statutes Section 23.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Constitutional Law Section 17, Specific Powers of the Legislature.

**SECTION 2‑7‑72.** Bills and resolutions requiring expenditure of funds shall have fiscal impact statements.

 Whenever a bill or resolution is introduced in the General Assembly requiring the expenditure of funds, the principal author shall affix a statement of estimated fiscal impact and cost of the proposed legislation. Before reporting the bill out of committee, if the amount is substantially different from the original estimate, the committee shall attach a statement of estimated fiscal impact to the bill signed by the Executive Director of the Revenue and Fiscal Affairs Office or his designee. As used in this section, “statement of estimated fiscal impact” means the opinion of the person executing the statement as to the dollar cost to the State for the first year and the annual cost thereafter.

HISTORY: 1978 Act No. 644, Part II, Section 39; 1988 Act No. 658, Part II, Section 49; 2014 Act No. 121 (S.22), Pt VI, Section 8.E, eff July 1, 2014.

Effect of Amendment

2014 Act No. 121, Section 8.E, substituted “Executive Director of the Revenue and Fiscal Affairs Office” for “Director of the State Budget Division of the State Budget and Control Board”.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k13.

Statutes 13.

C.J.S. Statutes Section 23.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Constitutional Law Section 16, Form of Legislation.

**SECTION 2‑7‑73.** Bills and resolutions mandating health insurance coverage shall have fiscal impact statement.

 (A) Any bill or resolution which would mandate a health coverage or offering of a health coverage by an insurance carrier, health care service contractor, or health maintenance organization as a component of individual or group policies, must have attached to it a statement of the financial impact of the coverage, according to the guidelines enumerated in subsection (B). This financial impact analysis must be conducted by the Revenue and Fiscal Affairs Office and signed by an authorized agent of the Department of Insurance, or his designee. The statement required by this section must be delivered to the Senate or House committee to which any bill or resolution is referred, within thirty days of the written request of the chairman of such committee.

 (B) Guidelines for assessing the financial impact of proposed mandated or mandatorily offered health coverage to the extent that information is available, must include, but are not limited to, the following:

 (1) to what extent does the coverage increase or decrease the cost of treatment or services;

 (2) to what extent does the coverage increase or decrease the use of treatment or service;

 (3) to what extent does the mandated treatment or service substitute for more expensive treatment or service;

 (4) to what extent does the coverage increase or decrease the administrative expenses of insurance companies and the premium and administrative expenses of policyholders; and

 (5) what is the impact of this coverage on the total cost of health care.

HISTORY: 1990 Act No. 428, Section 2; 1993 Act No. 181, Section 22; 2014 Act No. 121 (S.22), Pt VI, Section 8.F, eff July 1, 2014.

Effect of Amendment

2014 Act No. 121, Section 8.F, in subsection (A), substituted “Revenue and Fiscal Affairs Office” for “Division of Research and Statistical Services”.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k13.

Statutes 13.

C.J.S. Statutes Section 23.

**SECTION 2‑7‑74.** Statement of estimated fiscal impacts of criminal offense changes.

 (A) As used in this section, “statement of estimated fiscal impact” means the opinion of the person executing the statement as to the dollar cost to the State for the first year and the annual cost thereafter.

 (B) The principal author of legislation that would establish a new criminal offense or that would amend the sentencing provisions of an existing criminal offense may affix a statement of estimated fiscal impact of the proposed legislation. Upon request from the principal author of the legislation, the Revenue and Fiscal Affairs Office shall assist in preparing the fiscal impact statement.

 (C) If a fiscal impact statement is not affixed to legislation at the time of introduction, the committee to which the legislation is referred shall request a fiscal impact statement from the Revenue and Fiscal Affairs Office. The Revenue and Fiscal Affairs Office shall have at least fifteen calendar days from the date of the request to deliver the fiscal impact statement to the Senate or House of Representatives committee to which the legislation is referred, unless the Revenue and Fiscal Affairs Office requests an extension of time. The Revenue and Fiscal Affairs Office shall not unreasonably delay the delivery of a fiscal impact statement.

 (D) The committee shall not take action on the legislation until the committee has received the fiscal impact statement.

 (E) If the legislation is reported out of the committee, the committee shall attach the fiscal impact statement to the legislation. If the legislation has been amended, the committee shall request a revised fiscal impact statement from the Revenue and Fiscal Affairs Office and shall attach the revised fiscal impact statement to the legislation.

 (F) State agencies and political subdivisions shall cooperate with the Revenue and Fiscal Affairs Office in preparing fiscal impact statements. Such agencies and political subdivisions shall submit requested information to the Revenue and Fiscal Affairs Office in a timely fashion.

 (G) In preparing fiscal impact statements, the Revenue and Fiscal Affairs Office shall consider and evaluate information as submitted by state agencies and political subdivisions. The Revenue and Fiscal Affairs Office shall provide to the requesting Senate or House of Representatives committee any estimates provided by a state agency or political subdivision, which are substantially different from the fiscal impact as issued by the Revenue and Fiscal Affairs Office.

 (H) The Revenue and Fiscal Affairs Office may request information from nongovernmental agencies and organizations to assist in preparing the fiscal impact statement.

HISTORY: 2010 Act No. 273, Section 61, eff June 2, 2010; 2014 Act No. 121 (S.22), Pt VI, Section 8.G, eff July 1, 2014.

Effect of Amendment

2014 Act No. 121, Section 8.G, in subsections (B), (C), (E), (F), (G), (H), substituted “Revenue and Fiscal Affairs Office” for “Office of State Budget”.

**SECTION 2‑7‑75.** Funds to be used in fiscal year for which they are appropriated, in accordance with line item appropriations.

 All state funds appropriated shall be used and all federal and other funds may be used for the operation of state agencies and institutions for the fiscal year for which they are appropriated or made available for use. All agencies and institutions are directed to expend state appropriated funds in strict accordance with the line item appropriations as authorized by the annual appropriations act except for such transfers of funds as may be approved by the Budget and Control Board under its authority as set forth in the appropriations act or other provisions of law. When practicable, all agencies and institutions having federal or other funds available for the financing of their operation shall expend such funds in accordance with the line item appropriations. The authorization to spend federal and other funds shall be reduced to the extent that receipts from these sources do not meet the estimates as reflected in each section of the appropriation act. The Budget and Control Board shall give consideration to the intent of the General Assembly expressed in this section when exercising its responsibility for reviewing grant requests as set forth in the annual appropriations act.

HISTORY: 1979 Act No. 199, Part II, Section 9.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k129.

States 129.

C.J.S. States Sections 230, 232.

**SECTION 2‑7‑76.** Fiscal or revenue impact statements for certain bills and resolutions affecting the expenditure of funds by counties or municipalities.

 (A) The chairman of the legislative committee to which a bill or resolution was referred shall direct the Revenue and Fiscal Affairs Office to prepare and affix to it a statement of the estimated fiscal and revenue impact and cost to the counties and municipalities of the proposed legislation before the legislation is reported out of that committee if a bill or resolution:

 (1) requires a county or municipality to expend funds allocated to the county or municipality pursuant to Chapter 27 of Title 6;

 (2) is introduced in the General Assembly to require the expenditure of funds by a county or municipality;

 (3) requires the use of county or municipal personnel, facilities, or equipment to implement a general law or regulations promulgated pursuant to a general law; or

 (4) relates to taxes imposed by political subdivisions.

 (B) A revised estimated fiscal and revenue impact and cost statement must be prepared at the direction of the presiding officer of the House of Representatives or the Senate by the Revenue and Fiscal Affairs Office before third reading of the bill or resolution, if there is a significant amendment to the bill or resolution.

 (C) For purposes of this section, “political subdivision” means a county, municipality, school district, special purpose district, public service district, or consolidated political subdivision.

HISTORY: 1991 Act No. 171, Part II, Section 27; 1994 Act No. 497, Part II, Section 115; 1999 Act No. 114, Section 3; 2014 Act No. 121 (S.22), Pt VI, Section 8.H, eff July 1, 2014.

Effect of Amendment

2014 Act No. 121, Section 8.H, in subsections (A) and (B), substituted “Revenue and Fiscal Affairs Office” for “Budget Division or the Economic Research Section of the Budget and Control Board, as appropriate,” and substituted “estimated fiscal and revenue impact” for estimated fiscal or revenue impact”.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k13.

Statutes 13.

C.J.S. Statutes Section 23.

**SECTION 2‑7‑78.** Requirements for certification of revenue estimate in the Governor’s recommended appropriations bill and the conference committee report.

 This section applies to the annual appropriation recommendation of the Governor and to the report of the conference committee on the annual general appropriations bill. A provision offered for inclusion in the annual general appropriations bill by amendment or otherwise, by the Governor, or which increases or decreases the most recent official projection of general fund revenues of the Board of Economic Advisors must not be included in the bill or recommendation unless the revenue impact is certified by the board. Changes to the official general fund revenue estimate as a result of the provision may not exceed the amounts certified by the board. The requirements of this section are in addition to the other provisions of law regarding fiscal impact statements.

HISTORY: 1995 Act No. 145, Part II, Section 22.

LIBRARY REFERENCES

Westlaw Key Number Searches: 360k129; 361k13.

States 129.

Statutes 13.

C.J.S. States Sections 230, 232.

C.J.S. Statutes Section 23.

**SECTION 2‑7‑80.** Printing and distribution of acts; copies.

 The clerks of the two houses of the General Assembly are to make available to the public all acts after their approval by the Governor, not later than two weeks after the approval date. A copy of these acts must be mailed to the house of those members of the General Assembly who request these services. After Sine Die adjournment each year, the clerks of the two houses of the General Assembly are directed to mail a copy of all acts not placed on the members’ desks during the session to the home address of each member of the General Assembly who requests these services. In addition, three copies must be mailed to the head of each state department and institution, to the Chief Justice and associate justices and Clerk of the Supreme Court, to the Chief Judge and associate judges and Clerk of the Court of Appeals, and each judge and clerk of the judicial circuits who requests these services. The Secretary of State shall notify the respective clerks immediately upon receipt of all acts available to them for proofreading.

HISTORY: 1962 Code Section 30‑207; 1967 (55) 719; 1979 Act No. 125, Section 1; 1985 Act No. 201, Part II, Section 81J; 1987 Act No. 194, Section 1; 2002 Act No. 356, Section 1, Part VI.H; 2009 Act No. 10, Section 1, eff May 6, 2009.

Effect of Amendment

The 2009 amendment rewrote this section.

CROSS REFERENCES

Duties of Code Commissioner relating to publication, distribution and sale of advance sheets of statute, see Sections 2‑13‑180 to 2‑13‑200.

Formalities of act, see SC Const Art. III, Section 18.

Public printing, generally, see SC Const Art. XVII, Section 5.

Public printing and state publications, generally, see Sections 11‑25‑10 et seq.

Publication of Supreme Court decisions, see SC Const Art. V, Section 25.

Rule that every act is to have one subject only, see SC Const Art. III, Section 17.

Style of laws, see SC Const Art. III, Section 16.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k14.

Statutes 14.

C.J.S. Statutes Section 24.

**SECTION 2‑7‑90.** Use of certified mail satisfies requirement for registered mail.

 Whenever in the statute laws of this State requirements are made that notices be sent by registered mail, the use of certified mail, or such other form of United States mail as may be instituted by the United States Post Office providing for proof of mailing or delivery of such mail, shall be considered as compliance with such statutory requirements.

HISTORY: 1962 Code Section 1‑66; 1957 (50) 60.

LIBRARY REFERENCES

Westlaw Key Number Search: 277k9.

Notice 9.

C.J.S. Notice Sections 10, 23 to 25.

**SECTION 2‑7‑105.** Authorization for state capital improvement bonds.

 State capital improvement bonds may be authorized by the General Assembly in odd‑numbered years. A project may be authorized in the act only for a state agency or institution included in the annual general appropriations act.

HISTORY: 1980 Act No. 518, Section 13; 1985 Act No. 201, Part II, Section 35B; 1990 Act No. 612, Part II, Section 52; 1993 Act No. 181, Section 23; 1995 Act No. 33, Section 3; 1997 Act No. 111, Section 3.

Editor’s Note

2001 Act No. 1, Part II, Section 1.C., provides as follows:

“Notwithstanding any other provision of law, the provisions of Section 2‑7‑105 of the 1976 Code do not apply to the provisions of this section [2001, Act No. 1, Part II, Section 1].”

CROSS REFERENCES

Issuance of general obligation bonds for state funding of air carrier hub terminal facilities, see Section 55‑11‑520.

LIBRARY REFERENCES

Westlaw Key Number Search: 360k148.

States 148.

**SECTION 2‑7‑110.** Bill or resolution requiring expenditure by county, municipality, special purpose district, or school district; statement of estimated fiscal impact.

 Whenever a bill or resolution is introduced in the General Assembly requiring the expenditure of funds by a county, municipality, special purpose district, or school district, the principal author shall affix thereto a statement of estimated fiscal impact and cost of the proposed legislation. Prior to reporting the bill out of committee, if the amount is substantially different from the original estimate, the committee chairman shall cause a revised statement of the estimated fiscal impact of the bill to be attached to the bill. As used in this section, “statement of estimated fiscal impact” means the opinion of the person executing the statement as to the dollar cost to the county, municipality, special purpose district, or school district for the first year and the annual cost thereafter.

HISTORY: 1983 Act No. 141, Section 1; 1984 Act No. 361, Section 1; 1983 Act No. 141, Section 1; 1984 Act No. 362, Section 1.

LIBRARY REFERENCES

Westlaw Key Number Searches: 361k12(1); 361k13.

Statutes 12(1), 13.

C.J.S. Statutes Sections 21, 23.

**SECTION 2‑7‑115.** Appropriations for debt service in general appropriations act; additional bonds.

 The General Assembly finds that the appropriations for debt service in the general appropriations act are the estimated debt service requirements of bonds of the State for each fiscal year. The inclusion of these appropriations in the annual general appropriations act shall not prevent the issuance of additional bonds pursuant to current or future authorizations if permitted by law.

HISTORY: 1995 Act No. 145, Part II, Section 29.

LIBRARY REFERENCES

Westlaw Key Number Searches: 360k129; 360k148.

States 129, 148.

C.J.S. States Sections 230, 232.

**SECTION 2‑7‑120.** Designation of non‑recurring or one‑time expenditures in budget recommendations and general appropriations bills.

 Whenever the General Assembly appropriates funds for nonrecurring or one‑time expenditures, the appropriation must be listed in a separate program entitled “Nonrecurring Appropriation”. The Governor, when making annual budget recommendations, shall identify in a separate marking “Nonrecurring Appropriations” all nonrecurring or one‑time expenditures.

HISTORY: 1984 Act No. 512, Part II, Section 53.

Code Commissioner’s Note

At the direction of the Code Commissioner, references in this section to the offices of the former State Budget and Control Board, Office of the Governor, or other agencies, were changed to reflect the transfer of them to the Department of Administration or other entities, pursuant to the directive of the South Carolina Restructuring Act, 2014 Act No. 121, Section 5(D)(1).

LIBRARY REFERENCES

Westlaw Key Number Search: 360k129.

States 129.

C.J.S. States Sections 230, 232.

**SECTION 2‑7‑125.** Recorded roll call vote defined; when required.

 (A) For purposes of this section, a ‘recorded roll call vote’ means a vote recorded in the journals of the respective houses of the General Assembly, which must be by yeas and nays and recorded by name.

 (B) The Annual General Appropriations Bill must be considered section‑by‑section prior to third reading, and must receive a recorded roll call vote by the House of Representatives and the Senate when the pending question is the adoption of an individual section.

 (C) A bill or joint resolution must receive a recorded roll call vote by the House of Representatives and the Senate when:

 (1) the pending question is adoption of a Conference or Free Conference Report;

 (2) the pending question is the passage of a bill or joint resolution on second reading;

 (3) either the House of Representatives or the Senate agrees to the other body’s amendment; or

 (4) a bill or joint resolution is amended and the pending question is the passage of a bill on third reading.

HISTORY: 2011 Act No. 6, Section 2, eff April 12, 2011.

Editor’s Note

2011 Act No. 6, Section 1, provides as follows:

“SECTION 1. This act may be cited as the ‘Spending Accountability Act of 2011’.”

ARTICLE 3

Correction of Errors in Acts and Joint Resolutions

**SECTION 2‑7‑210.** Clerk shall correct typographical and clerical errors in legislative enactments.

 As hereinafter provided the clerk of the Senate and the clerk of the House of Representatives shall correct typographical and clerical errors in acts and joint resolutions which have been passed by the General Assembly, either before or after approval thereof by the Governor. The authority granted in this section shall only apply to such matter as has been duly passed by both houses of the General Assembly.

HISTORY: 1962 Code Section 30‑211; 1952 Code Section 30‑211; 1942 (42) 1684.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k39.

Statutes 39.

C.J.S. Statutes Sections 56, 59.

**SECTION 2‑7‑220.** Procedure for making corrections.

 When a typographical or clerical error shall have been called to the attention of the clerk of the Senate or the clerk of the House of Representatives, the clerk may correct such error and shall affix upon the page of the act his signature showing such correction together with the date of such correction and his reason for making such correction. The clerk of the Senate shall certify such corrections on all acts originating in the Senate and the clerk of the House of Representatives shall certify such corrections on all acts originating in the House of Representatives.

HISTORY: 1962 Code Section 30‑212; 1952 Code Section 30‑212; 1942 (42) 1684.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k39.

Statutes 39.

C.J.S. Statutes Sections 56, 59.

**SECTION 2‑7‑230.** Doubtful matters shall not be corrected.

 If, upon examination of such errors as may be called to their attention, the clerk of the Senate and the clerk of the House of Representatives shall be in doubt as to their authority to make a correction as hereinabove provided, said clerks shall withhold their certificates of correction.

HISTORY: 1962 Code Section 30‑213; 1952 Code Section 30‑213; 1942 (42) 1684.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k39.

Statutes 39.

C.J.S. Statutes Sections 56, 59.

**SECTION 2‑7‑240.** No correction shall be made after fifteen days.

 No act or joint resolution lodged in the Secretary of State’s office over fifteen days shall be corrected as hereinabove provided for in this article.

HISTORY: 1962 Code Section 30‑214; 1952 Code Section 30‑214; 1942 (42) 1684.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k39.

Statutes 39.

C.J.S. Statutes Sections 56, 59.

ARTICLE 5

Introduction of Measures for Private Purposes

**SECTION 2‑7‑410.** Petition and draft of bill for legislation for private purposes.

 No bill (a) to charter or incorporate or amend the charter of any society, company, organization or body politic of any kind, (b) for the granting of any privilege or immunity or (c) for any other private purpose whatsoever shall be introduced or entertained in either house of the General Assembly, except by petition to be signed by the persons seeking to be incorporated, by the incorporators or their officers or duly appointed agents seeking an amendment of a charter or by the person seeking such privilege, immunity or other private grant or relief. The petition must be accompanied in each instance by a draft of a bill or joint resolution, as the case may be, to charter or incorporate such society, organization or body politic, to amend the charter thereof, to grant the privilege or immunity or to carry out the private purpose prayed for in the petition.

HISTORY: 1962 Code Section 30‑301; 1952 Code Section 30‑301; 1942 Code Section 2074; 1932 Code Section 2074; Civ. C. ‘22 Section 36; Civ. C. ‘12 Section 34; Civ. C. ‘02 Section 31; R. S. 31; 1885 (19) 309.

CROSS REFERENCES

Special laws prohibited, see SC Const, Art 3, Section 34.

LIBRARY REFERENCES

Westlaw Key Number Searches: 361k77; 361k79.

Statutes 77, 79.

C.J.S. Statutes Sections 148, 154 to 155, 162 to 163.

NOTES OF DECISIONS

In general 1

1. In general

This article is doubtless intended as a guide to persons desiring to petition the legislature for special privileges, and it would be a good answer to any petition for the granting of such privileges that the notice required by Code 1962 Section 30‑304 had not been given. Manigault v. Springs (U.S.S.C. 1905) 26 S.Ct. 127, 199 U.S. 473, 50 L.Ed. 274.

The noncompliance with the prerequisites to entertaining and passage of a bill as set out in this section [Code 1962 Section 30‑301] and Code 1962 Section 30‑304 did not impair or nullify an act passed by the General Assembly authorizing the construction of a dam across a creek. Manigault v. S.M. Ward & Co., 1903, 123 F. 707, affirmed 26 S.Ct. 127, 199 U.S. 473, 50 L.Ed. 274.

In passing the act of which this section [Code 1962 Section 30‑301] is a part, the General Assembly assumed a power which it did not have for a General Assembly cannot bind a succeeding one by prescribing certain prerequisite conditions to the entertaining and passage of a bill, these prerequisites not being in the Constitution. Manigault v. S.M. Ward & Co., 1903, 123 F. 707, affirmed 26 S.Ct. 127, 199 U.S. 473, 50 L.Ed. 274.

**SECTION 2‑7‑420.** Statement of reasons for legislative charter.

 In case of an application for a charter or incorporation, other than of a railroad or canal company, the petition shall state and set forth why the charter cannot be obtained under the provisions of the general statutes, in pursuance of the Constitution, relating to incorporations and any other special reasons on which such charter or incorporation is sought.

HISTORY: 1962 Code Section 30‑302; 1952 Code Section 30‑302; 1942 Code Section 2075; 1932 Code Section 2075; Civ. C. ‘22 Section 37; Civ. C. ‘12 Section 35; Civ. C. ‘02 Section 32; R. S. 32; 1885 (19) 309.

LIBRARY REFERENCES

Westlaw Key Number Searches: 361k77; 361k79.

Statutes 77, 79.

C.J.S. Statutes Sections 148, 154 to 155, 162 to 163.

**SECTION 2‑7‑430.** Application for charter or incorporation of transportation company.

 In case of an application for the charter or incorporation of a railroad, canal, tramway, plank road or turnpike company and the grant of the right of way therefor, in addition to the foregoing requirements for other charters and incorporations, the petition shall set forth and describe approximately the route proposed for the projected road and where such route will cross any railroad existing or in the course of construction and shall be accompanied by a plat or map delineating the same. And in case of an application for a railroad charter, the notice required by law shall be given before the application for the charter is made.

HISTORY: 1962 Code Section 30‑303; 1952 Code Section 30‑303; 1942 Code Section 2076; 1932 Code Section 2076; Civ. C. ‘22 Section 38; Civ. C. ‘12 Section 36; Civ. C. ‘02 Section 33; R. S. 33; 1885 (19) 309.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k79.

Statutes 79.

C.J.S. Statutes Section 148.

**SECTION 2‑7‑440.** Statement of merits effect on others and notice.

 In any case other than that of a charter or incorporation, the petition shall set forth fully and distinctly the merits and particulars of the case and, if the proposed legislation shall in any wise directly affect the rights of others who reside in this State, the petition shall be accompanied with proof that the parties, so far as known, who may be affected merely, have had sixty days’ notice of the presentation of such petition before such petition is presented and also that notice of the intention of the petitioner or petitioners to make such application has been published in the newspaper having the largest circulation published in the county in which the privilege or immunity is to be enjoyed, once a week for at least three weeks, the first of which publications shall be at least sixty days before such petition is presented.

HISTORY: 1962 Code Section 30‑304; 1952 Code Section 30‑304; 1942 Code Section 2077; 1932 Code Section 2077; Civ. C. ‘22 Section 39; Civ. C. ‘12 Section 37; Civ. C. ‘02 Section 34; R. S. 34; 1885 (19) 309.

CROSS REFERENCES

Constitutional rule prohibiting special laws, see SC Const, Art 3, Section 34.

LIBRARY REFERENCES

Westlaw Key Number Search: 361k79.

Statutes 79.

C.J.S. Statutes Section 148.

**SECTION 2‑7‑450.** Reference of petition to committee.

 Any such petition together with the draft of the bill or joint resolution shall be referred to some appropriate committee of the house in which such petition is presented, to be acted upon by such committee.

HISTORY: 1962 Code Section 30‑305; 1952 Code Section 30‑305; 1942 Code Section 2074; 1932 Code Section 2074; Civ. C. ‘22 Section 36; Civ. C. ‘12 Section 34; Civ. C. ‘02 Section 31; R. S. 31; 1885 (19) 309.

LIBRARY REFERENCES

Westlaw Key Number Searches: 360k34; 361k79.

States 34.

Statutes 79.

C.J.S. States Sections 55 to 58.

C.J.S. Statutes Section 148.