

1983 WL 181829 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 4, 1983

\*1 The Honorable D. L. Aydlette, Jr.  
Member  
House of Representatives  
326-B Blatt Building  
Columbia, South Carolina 29211

Dear Representative Aydlette:

You had asked whether the language of Section 5(1) of Act 498 of 1961, which provides that the tax levy for James Island Public Service District must be approved by the 'Senator and a majority of members of the House of Representatives from Charleston County', requires an act of the General Assembly.

On January 6, 1983 an opinion was issued by this office to you and Representative John D. Bradley, III, which concluded that a court presented with the issue would likely find the statutory provisions providing for the participation of the Charleston County legislative delegation in the budgetary and financial affairs of various Charleston County public service districts violative of [Article I, Section 8 of the South Carolina Constitution](#). The opinion also noted that a court likely would find acts passed after March 7, 1973, dealing only with special service districts in Charleston County violative of Article VIII, § 7. With these caveats, I will address your question.

Section 5(1) of Act 498 of 1961 does not require an act of the General Assembly. It expressly requires only that the Charleston County legislative delegation approve the tax levy for the James Island Public Service District.

Sincerely,

James M. Holly  
Assistant Attorney General

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