

1983 WL 181920 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 20, 1983

***1 Re: S.224; R.235**

The Honorable Richard W. Riley
Governor
State of South Carolina
Box 11450
Columbia, South Carolina 29211

Dear Governor Riley:

You have asked for an opinion as to the constitutionality of the above bill relating to rabbit hunting in Aiken County. It is our opinion that the bill is most probably unconstitutional.

The bill is clearly a local or special act since it relates only to Aiken County. [Art. III, § 34 of the State Constitution](#) provides that '[t]he General Assembly of this State shall not enact local or special laws concerning any of the following subjects or for any of the following purposes, to wit: . . . (VI.) To provide for the protection of game . . . Provided, that the General Assembly is empowered to divide the State into as many zones as may appear practicable, and to enact legislation as may be proper for the protection of game in the several zones.'

The General Assembly has, pursuant to the above constitutional provisions, enacted a statute regulating the hunting of rabbits in the game zone which includes Aiken County. § 50-11-580, Code of Laws of South Carolina, 1976 (as amended). The subject bill, however, contains additional rabbit hunting regulations applicable only to Aiken County. The subject bill does not fall within the proviso which permit game laws for a specific zone. Therefore, the bill appears to violate the above constitutional section.

In addition [Art. III, § 34\(IX\)](#) provides:

'In all other cases, where a general law can be made applicable, no special law shall be enacted.'

No reason is apparent as to why a general law, or even a law for that particular game zone, could not be made applicable. [Seaborn v. Hartsville Rescue Squad](#), 269 S.C. 286, 288, 237 S.E.2d 496, 498 (1977); [Thompson v. South Carolina Commission on Alcohol and Drug Abuse](#), 261 S.C. 463, 472, 229 S.E.2d 718, 722 (1976). As the Court held in another case invalidating a local law under [Art. III, § 34 \(IX\) of the Constitution](#):

'If it be said that conditions in the included count[y is] peculiar, and seem[s] to call for penal legislation of the kind mentioned, still a general law could be made applicable to the whole state, so as to operate wherever such conditions exist . . . [State v. Hammond](#), 66 S.C. 219, 228, 46 S.E. 797, 800 (1903).

That argument is equally applicable here. For these reasons it is our opinion that the above bill is most probably unconstitutional.

Sincerely yours,

David C. Eckstrom
Assistant Attorney General

1983 WL 181920 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.