

1979 WL 42952 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 23, 1979

*1 Honorable J. Leon Rampey
Member
House of Representatives
State of South Carolina
State House
Columbia, South Carolina

Dear Representative Rampey:

In response to your request for an opinion as to the procedure to be used in prescribing salaries for the members of the Western Carolina Sewer Authority, my opinion is that an amendment to the legislation creating the Authority is the only available procedure to use. The change cannot be made at the county level both because there is no legislation of which I am aware that grants the county governing body such a power [cf., [§ 4-9-80, CODE OF LAWS OF SOUTH CAROLINA, 1976](#)] and because, as I understand it, the Authority extends into three different counties. Inasmuch as the General Assembly is authorized to enact local legislation relating to multi-county special purpose districts under the holding of [Kleckley v. Pulliam, 265 S.C. 177, 217 S.E.2d 217 \(1975\)](#), amendatory legislation that provides for salaries for the Authority members would appear to be constitutional. Despite the possibility that the South Carolina Supreme Court might hold, if and when the issue is presented to it, that the General Assembly cannot continue to legislate with regard to individual special purpose districts but, instead, must devolve that duty upon county governing bodies by general law, at least where multi-county special purpose districts do not perform a regional function like that performed by the Richland-Lexington Airport District in [Kleckley](#), until and unless the Supreme Court reaches that conclusion, such legislation would be presumed constitutional.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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