

The State of South Carolina

#1650  
Library



Office of the Attorney General

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ATTORNEY GENERAL

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May 24, 1985

Ms. Helen T. Zeigler, Special Assistant  
for Legal Affairs  
Office of the Governor  
Post Office Box 11450  
Columbia, South Carolina 29211

Dear Ms. Zeigler:

You have asked for the opinion of this Office as to the constitutionality of H.2918, R-173, which act authorizes the Lexington County Public Library System to accept a gift of real property located in Lexington and Saluda counties. Considering the reasoning and authority cited in Ops. Atty. Gen. to you dated February 27, 1985 (re H.2164, R-2) and March 21, 1985 (re H. 2260, R-46), we would advise that H. 2918, R-173 is of doubtful constitutionality. See also Spartanburg Sanitary Sewer District v. City of Spartanburg, \_\_\_ S.C. \_\_\_, 321 S.E.2d 258 (1984) (construing Article VIII, Section 7 in the context of legislation for a special purpose district, directing that "the constitutional mandate of Article VIII, § 7 that the General Assembly can modify legislation regarding special purpose districts only through the enactment of general law" be followed). Furthermore, a general law already permits a county library system to accept gifts of real property. See Section 4-9-36(4), Code of Laws of South Carolina (1984 Cum. Supp.); Article III, Section 34 (IX) of the State Constitution (no special law to be enacted where a general law can be made applicable).

Sincerely,

*Patricia D. Petway*  
Patricia D. Petway  
Assistant Attorney General

PDP/an

REVIEWED AND APPROVED BY:

*Robert D. Cook*  
Robert D. Cook  
Executive Assistant for Opinions

REQUEST LETTER