

1984 WL 249906 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 18, 1984

***1** 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 an opinion on the constitutionality of R-546, H.3767, a bill creating a fish sanctuary to be known as Shelley Lake in Marion County. It is our opinion that the bill is most probably in violation of [Article III, Section 34 of the Constitution of South Carolina](#).

The subject bill is clearly a special act in that it relates to fishing in only one lake in Marion County. The Constitution expressly prohibits special laws '[t]o provide for the protection of game.' See [Article III, Section 34\(VI\)](#) (but, special legislation dealing with game zones is permitted). The Constitution further provides that 'when a general law can be made applicable, no special law shall be enacted. [Article III, Section 34\(IX\)](#). For these reasons, it is the opinion of this Office that the above-referenced bill is most probably unconstitutional.

Sincerely,

Patricia D. Petway
Assistant Attorney General

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