

1983 WL 181822 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 31, 1983

***1 SUBJECT: Constitution—Home Rule**

An act amending prior special legislation regarding a county aeronautics commission would violate the provisions of [Article VIII, Section 7 of the South Carolina Constitution](#).

John M. Barton
Special Assistant for Legal Affairs

QUESTION:

Is the Act amending the Clarendon County Aeronautics Commission unconstitutional?

DISCUSSION:

Mr. Medlock has referred your letter of March 30, 1983, to me for reply. You have requested our Office to issue an opinion as to the constitutionality of S113, R49 which amends the 1965 Act which created the Clarendon County Aeronautics Commission.

OPINION:

It is the opinion of this Office that such an act would most probably be unconstitutional as being in violation of the ‘no laws for a specific county’ language of [Article VIII, Section 7 of the South Carolina Constitution](#).

In [Torgerson v. Craver, 267 S.C. 558, 230 S.E.2d 228 \(1976\)](#) the Supreme Court held an act by the General Assembly authorizing the issuance of general obligation bonds for the Charleston County Airport District, to be unconstitutional under the provisions of [Article VIII, Section 7](#). The court stated that:

. . . the act violates both the letter and the spirit of the constitutional directive . . . One of the purposes of [Article VIII](#) and of Home Rule is to relieve the General Assembly of the burdens of local governments. The Charleston County Airport District is a Charleston County political subdivision. [Torgerson, supra](#), at 229.

In the case of [Cooper River, etc. v. City of North Charleston, 273 S.C. 639, 259 S.E.2d 107 \(1979\)](#) the court held that: [Section 7](#) is not only applicable to special legislation creating a district, but also to special legislation dealing with districts created prior to the ratification of new [Article VIII](#) or the amendment of prior special legislation. [cite omitted] Thus, these provisions of [Article VIII](#) have divested the General Assembly of authority to deal by special act with special purpose districts performing functions now delegated to counties under ‘Home Rule.’

Treva G. Ashworth
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