

1984 WL 249865 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 24, 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:

By your letter of April 20, 1984, you have asked this Office to advise you as to the constitutionality of three bills recently presented to the Governor for his signature.

It is the opinion of this Office that H.3701, R-395, pertaining to the Lake Cunningham Fire District in Greenville County, would most probably be violative of the Constitution of the State of South Carolina. See, [Torgerson v. Craver](#), 267 S.C. 558, 230 S.E.2d 228 (1976); [Knight v. Salisbury](#), 262 S.C. 565, 206 S.E.2d 875 (1974).

It is the opinion of this Office that H.3518, R-390, pertaining to the Loris Community Hospital would most probably be violative of the Constitution of the State of South Carolina. See, [Richardson v. McCutchen](#), 278 S.C. 117, 292 S.E.2d 787 (1982).

Finally, there is some doubt as to the constitutionality of H.3530, R-391, pertaining in part to the annual application for tax-exempt status and the exemption from the annual application for the Nature Conservancy and the Audubon Society. On the one hand, the bill would appear to violate Article III, Section 34 (IX), in that exceptions to a general law would thereby be created, unless peculiar conditions might be found to exist by the General Assembly, to justify creating an exemption from a general law. See, [State ex rel. Riley v. Martin](#), 274 S.C. 106, 262 S.E.2d 404 (1980). If, on the other hand, there may be found a logical basis and a sound reason therefor, the exemptions for the Nature Conservancy and the Audubon Society may be viewed as a special provision enacted in a general law and thus permissible under Article III, Section 34(X). See, [Walker v. Harris](#), 170 S.C. 242, 170 S.E. 270 (1933); [State v. Burns](#), 73 S.C. 194, 52 S.E. 960 (1905); [State v. Queen](#), 62 S.C. 247, 40 S.E. 553 (1902). We do not find any indication in the bill that the General Assembly found peculiar conditions to exist or that there was a sound reason or logical basis to justify exempting the Nature Conservancy or the Audubon Society from the general law, however, thereby casting doubt upon the constitutionality of the bill.¹

Sincerely,

Patricia D. Petway
Staff Attorney

Footnotes

- ¹ We have also examined this bill in light of Article X, Section 11, and it appears that an adequate public purpose could be found to justify the bill under that constitutional provision.

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