

1983 WL 181873 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 4, 1983

*1 The Honorable Richard W. Riley
Governor of South Carolina
Post Office Box 11450
Columbia, SC 29211

Dear Governor Riley:

You have asked for an opinion as to the constitutionality of R-92 which is 'An Act to Amend Act 389 of 1955, as Amended, Relating to the Piedmont Sewer, Light, and First District of Anderson and Greenville Counties.' It is my opinion that the bill is probably constitutional.

Although the bill would be a special act dealing with a special purpose district, it is probably not prohibited by the Home Rule Amendment to the Constitution, specifically Article VIII, Section 7, because the district was created to serve a multi-county area. The Supreme Court, in upholding special legislation for the Richland-Lexington Airport Commission, held that 'since the governmental purpose under the Act establishing the District is not one peculiar to a county, the power of the General Assembly to legislate for this purpose continues, despite Article VIII, Section 7.' [Kleckley v. Pulliam, 265 S.C. 177, 185, 217 S.E.2d 217, 221 \(1975\)](#).

It may be argued that this special legislation conflicts with the power of these two counties to provide for water and sewer service, fire protection, and street lighting, [§ 4-9-30\(5\), Code of Laws of South Carolina, 1976](#) (as amended), thereby making the bill violative [Article VIII, Section, 7, of the Constitution](#) under the rationale of [Knight v. Salisbury, 262 S.C. 565, 206 S.E.2d 875 \(1974\)](#). However, in light of the fact that the purpose of this district is not 'one peculiar to a county,' [Kleckley v. Pulliam, supra](#), but rather relates to more than one county, I would advise that the bill is most probably constitutional.

Sincerely yours,

T. Travis Medlock
Attorney General

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