

1981 WL 158182 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 13, 1981

*1 Mr. George L. Schroeder
Director
Legislative Audit Council
620 Bankers Trust Tower
Columbia, South Carolina 29201

Dear Mr. Schroeder:

In response to your request for an opinion from this Office concerning the constitutionality of Act No. 931 of 1971 [57 STAT. 2070 (1971)], because it is enacted legislation which is not facially unconstitutional, this Office must presume it to be constitutional. If, however, an action for a declaratory judgment were brought in a court of competent jurisdiction pursuant to [Sections 15-53-10 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, my opinion is that it would most probably be declared unconstitutional as violative of [Article III, Section 34\(ix\) of the South Carolina Constitution](#) in that it is a special law where a general law can be (and has been) made applicable. [§ 40-45-10, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. See generally, e.g., [Shillito v. Spartanburg](#), 213 S.C. 11, 51 S.E.2d 95 (1948).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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