

1981 WL 157790 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 21, 1981

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

Dear Governor Riley:

You have requested an opinion as to the constitutionality of H. 2874 (R-117), a bill which would amend Act No. 890 of 1976. It is the opinion of this Office that H. 2874 is most probably unconstitutional.

Act No. 890 of 1976, which became law without the signature of the Governor, changed the name of the Piedmont Rural Fire District in Spartanburg County. In the text of that 1976 Act, it referred to an earlier act creating the Piedmont Rural Fire District. It appears that an error was made in the reference to that earlier Act. This bill, H. 2874 (R-117), would simply correct that reference in the text of the 1976 Act.

[Article VIII, § 7 of the South Carolina Constitution](#) prohibits the General Assembly from enacting special laws for a specific county. The Supreme Court has interpreted this provision to prohibit special legislation for special purpose districts within a county, even if that district was created prior to the ratification of the Home Rule Amendment. [Cooper River Park and Playground Commission v. City of North Charleston](#), 273 S.C. 639, 259 S.E.2d 107, 109 (1979). This is legislation for such a special purpose district.

It may be argued that H. 2874 is merely housekeeping legislation that should not be prohibited by the Home Rule Amendment. This precise question has not been decided by the Court. Nonetheless [Article VIII, § 7](#) plainly states that '[n]o laws for a specific county shall be enacted . . .'. This is a law for a specific county. [Cooper River Park and Playground Commission v. City of North Charleston](#), *supra*. Therefore, H. 2874 (R-117) is most probably unconstitutional.

Sincerely yours,

David C. Eckstrom
Assistant Attorney General

1981 WL 157790 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.