1981 S.C. Op. Atty. Gen. 93 (S.C.A.G.), 1981 S.C. Op. Atty. Gen. No. 81-67, 1981 WL 96593

Office of the Attorney General

State of South Carolina
Opinion No. 81-67
July 17, 1981

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

Dear Governor Riley:

In response to your request for an opinion from my Office regarding the constitutionality of an act of the General Assembly which alters the boundaries of the James Island Park and Playground Commission, my opinion is that such legislation is most probably violative of the 'no laws for a specific county' language of Article VIII, Section 7 of the South Carolina Constitution as interpreted by the South Carolina Supreme Court in Cooper River Park and Playground Commission v. City of North Charleston, —— S.C. —— (Opinion No. 21031 filed August 16, 1979) and in Torgerson v. Craver, 230 S.E.2d 228 (1976). See also, e.g., § 6–11–410, CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended; §§ 6–11–810 et seq., CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended; 59 STAT. 331 (1975); 59 STAT. 1659 (1976). The constitutional vice of this type of legislation appears to be that the regulation of special purpose districts is now supposed to be done by county councils rather than the Legislature, according to the Supreme Court decisions cited above. In the event that the James Island Park and Playground Commission is not considered to be the governing body of a special purpose district, then the Charleston County Council is authorized to alter its boundaries by ordinance pursuant to the authority granted by SECTION 3 of Act No. 283 of 1975, the 'home rule' legislation, to enact ordinances in conflict with special laws as of January 1, 1980.
 Sincerely,

Daniel R. McLeod
Attorney General

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