

1980 WL 120662 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 7, 1980

***1** The Honorable Frank H. McGill
Senator
District No. 11
L. Marion Gressette Building
Columbia, S.C. 29201

Dear Senator McGill:

You have informed me that you are planning on introducing into the General Assembly a bill that would abolish the office of county superintendent of education and make the appointed board of trustees elective. You have inquired if this proposed act would violate [Article III, Section 34 of the South Carolina Constitution](#).

The courts have held that the Constitution prohibits the General Assembly from enacting a local or special law to incorporate a school district or where a general law could be made applicable. The Constitutional provision does not prohibit the General Assembly from enacting special provisions in general law. [Moseley v. Welch](#), 209 S.C. 19, 39 S.E.2d 133; [State v. Huntley](#), 167 S.C. 476, 166 S.E. 637.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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