

1980 WL 121266 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 6, 1980

*1 Honorable Richard W. Riley
Governor
State House
Columbia, South Carolina

Dear Governor Riley:

In response to your request for an opinion from my Office as to the constitutionality of an act of the General Assembly amending a 1973 act, as amended, so as to provide for certain changes in dates and tax millage relating to the Charleston County Board of Assessment Control, it is my opinion 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 [Torgerson v. Craver](#), 230 S.E.2d 228 (1976), and [Cooper River Parks and Playgrounds Commission, et al. v. The City of North Charleston](#), — S.C. —, (Opinion No. 21031 filed August 16, 1979). The Charleston County Council has been empowered as of January 1, 1980, to enact ordinances in conflict with special laws [§ 9 STAT. 690 at 716 (1975)] and can, therefore, most probably provide for changes with respect to the Board of Assessment Control. There is a question, however, as to the Charleston County Council's authority to legislate concerning this particular Board because of the language of [Article X, Section 2\(c\) of the South Carolina Constitution](#), which provides in part as follows:

Statutes pertaining to the methods of assessment of property for ad valorem taxation not in conflict with the article shall continue in force until changed by an act of the General Assembly.

It may be that the provisions of the 1973 act, as amended, relating to the Board of Assessment Control can be interpreted as pertaining to methods of assessment of property for ad valorem taxation and, therefore, cannot be altered except by legislation.

Very truly yours,

Daniel R. McLeod
Attorney General

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