

1979 WL 43041 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 1, 1979

*1 Ms. Dorothy A. Manigault
Executive Assistant for Legal Affairs
Office of the Governor
Post Office Box 11450
Columbia, South Carolina 29211

Dear Ms. Manigault:

You have requested an opinion from this Office as to whether or not Senate Bill 315 (R-135), which proposes to increase the membership of the St. Paul's Fire District Commission in Charleston County from five to seven members, is constitutional. In my opinion, it is most probably unconstitutional under the South Carolina Supreme Court's holding in [Torgerson v. Craver](#), 267 S.C. 558, 230 S.E.2d 228 (1976). In a 3-2 decision, the Court held that a 1975 act which authorized the issuance of general obligation bonds by the Charleston County Airport District and the imposition of ad valorem taxes for the payment thereof violated the letter and spirit of the 'no laws for a specific county' language of [Article VIII, Section 7 of the South Carolina Constitution of 1895](#), as amended, saying:

One of the purposes of [Article VIII](#) and of Home Rule is to relieve the General Assembly of the burdens of local government.

Involved here is a matter which the county governing authority can and should deal with instead of the General Assembly. [267 S.C. at 562-563](#).

Presumably, the county governing authority likewise can and should deal with the matter of altering the membership of commissions of special purpose districts situate within the county, notwithstanding the provisions of [Section 4-9-80, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. See, e.g., [§§ 6-11-410 et seq., 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).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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