

1974 WL 27723 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 19, 1974

*1 The Honorable Thomas E. Smith, Jr.
State Senator
100 Walnut Street
Pamplico, South Carolina 29583

Dear Tom:

Thank you for your letter of April 8, to which I have just now had an opportunity to respond.

You inquire if additional powers given to the Florence City-County Agricultural Commission (Section 3-267, et al., Code of Laws) so as to significantly extend its authority would be violative of the constitutional prohibition against special legislation.

It is my opinion that legislation of this type will most probably not be violative of the prohibition against special legislation contained in the new Article VIII of the Constitution. At the same time, I must point out that a case was argued in the Supreme Court on last Wednesday which may give a construction of the provision of the Constitution that affects your problem. It is my view that the Court is likely to follow the indication which it gave some years ago in the case of Could v. Barton and hold that the prohibition against special legislation is directed to governmental powers within specific classification of cities or counties and will not necessarily preclude other legislation related to a county, but not precisely affecting the classified governmental powers of the governing bodies of counties.

Until this decision is rendered, it is impossible to express an opinion with any degree of confidence, but the foregoing represents my best judgment at this time. I think that this type of legislation will most probably be upheld.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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