

1973 WL 26906 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 2, 1973

\*1 Honorable James M. Condon  
Member  
House of Representatives  
Charleston County  
606 Peoples Building  
Charleston, South Carolina 29401

Dear Jim:

Thank you for your letter of September 26 requesting a statement from me as to whether the Public Service Commissions and special service districts now existing will be abolished when the Legislature acts to implement the recent amendment to the State Constitution (Article VIII-Local Government).

In my opinion, special service districts will not necessarily be affected by the implementation of the Local Government Amendment, particularly insofar as forms of government for counties is involved. Regardless of the forms of government that may be devised for the various counties, they are still subject, to a very large degree, to the restrictions contained in the Constitution of 1895, and this will preclude, in nearly every instance, the assumption by the counties of the powers of most special service districts.

With respect to cities, the incorporation of an area covered by a special service district may result in the assumption of a portion of the special service district territory by the city if the Legislature so authorizes or directs, but the question depends entirely upon the decision of the Legislature. Failure to incorporate an area will leave the situation exactly as it is now and it will continue so until the Legislature decides to authorize or direct otherwise. The implementation of the Local Government Amendment will not alter the situation unless the Legislature specifically acts upon the issue. I personally doubt that it will so act, but this conclusion is purely speculative, as the implementing legislation has not yet been considered.

With best wishes,  
Cordially,

Daniel R. McLeod  
Attorney General

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