

1973 WL 26927 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 15, 1973

*1 Thomas M. Boulware, Esquire
Bankers Trust Building
P. O. Box 248
Barnwell, South Carolina 29812

Dear Tom:

In answer to your request for an opinion on the constitutionality of the 1973 Act bearing R. 46, I am of the opinion that such legislation is, in fact, constitutional. First, the courts construe such statutes as valid if at all possible. See [Moseley v. Welch, 39 S.E.2d 133, 209 S.C. 19 \(1946\)](#). Second, as the title and body indicate, the property being taxed is not included as the part of any school district but simply attached to District No. 45 for the purpose of establishing a tax rate for the taxes to be distributed to the three respective school districts in Barnwell County. In conclusion, this is not an issue in which the levies in one school district are distributed to another school district.

Please contact me if I can provide any further assistance to you.

Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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