



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

August 19, 1997

William W. Doar, Jr., Esquire
Post Office Drawer 418
Georgetown, South Carolina 29442

Re: Informal Opinion

Dear Mr. Doar:

Attorney General Condon has forwarded your opinion request to me for reply. As attorney for the Georgetown County Water and Sewer District, you have asked for this Office's opinion as to the constitutionality of S.448.

In considering the constitutionality of an act of the General Assembly, it is presumed that the act is constitutional in all respects. Moreover, such an act will not be considered void unless its unconstitutionality is clear beyond any reasonable doubt. Thomas v. Macklen, 186 S.C. 290, 195 S.E. 539 (1938); Townsend v. Richland County, 190 S.C. 270, 2 S.E.2d 777 (1939). All doubts of constitutionality are generally resolved in favor of constitutionality. While this Office may comment upon potential constitutional problems, it is solely within the province of the courts of this State to declare an act unconstitutional.

S.448 would amend Act 733 of 1967, as amended, relating to the Georgetown County Water and Sewer District, so as to provide that the members of the governing body of the Water and Sewer District must reside in single-member districts and be elected at-large for the district in nonpartisan elections. The act further provides for the time of the election and the manner in which the election must be conducted.

The Georgetown County Water and Sewer District is a special purpose district. Ex Parte Georgetown County Water and Sewer District, 284 S.C. 466, 327 S.E.2d 654

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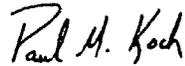
(1985). Additionally, the Water and Sewer District is located wholly within Georgetown County. Thus, S.448 is an act for a specific county.

Article VIII, Section 7 of the Constitution of the State of South Carolina provides that "[n]o laws for a specific county shall be enacted." Acts similar to S.448 have been struck down by the South Carolina Supreme Court as violative of Article VIII, Section 7. See, Pickens County v. Pickens County Water and Sewer Authority, 312 S.C. 218, 439 S.E.2d 840 (1994); Hamm v. Cromer, 305 S.C. 305, 408 S.E.2d 227 (1991); Cooper River Parks and Playground Commission v. City of North Charleston, 273 S.C. 639, 259 S.E.2d 107 (1979); Torgerson v. Craver, 267 S.C. 558, 230 S.E.2d 228 (1976). Thus, in light of Article VIII, Section 7, the constitutionality of S.448 would appear to be doubtful.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,



Paul M. Koch

Assistant Attorney General