

The State of South Carolina

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Office of the Attorney General

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May 31, 1989

Mark R. Elam
Senior Counsel to the Governor
Office of the Governor
Post Office Box 11369
Columbia, South Carolina 29211

Dear Mr. Elam:

By your letter of May 29, 1989, you had asked for the opinion of this Office as to the constitutionality of H.3336, R-180. This ratified bill amends Section 5-31-210 of the Code of Laws of South Carolina (1976) to permit a municipality of a population of 50,000 or less persons according to the 1980 official census with boards of commissioners of public works founded after 1920 to add two additional members to the board of public works. This statute appears to be uniform in its operation for the municipalities so described and hence would not appear to be constitutionally suspect on the basis of Timmons v. Tricentennial Commission, 254 S.C. 378, 175 S.E.2d 805 (1970). Thus, it is the opinion of this Office that H.3336, R-180 would be constitutional.

With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/an

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions