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Office of the Attorney General

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May 8, 1989

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

Dear Mr. Elam:

You have asked for the opinion of this Office as to the constitutionality of H.3964, R-126, which act sets the millage for several agencies, special purpose districts, and commissions located within Charleston County. It has been, and continues to be, the opinion of this Office that sections one through five and seven through nine of the above-cited act are most probably unconstitutional. For further discussions of the matter, I refer you to opinions of this Office dated June 3, 1988; May 22, 1987; June 4, 1986; June 21, 1985; June 18, 1984; June 7, 1983; January 6, 1983; June 2, 1983; June 14, 1982; and June 6, 1980. Section six would probably pass constitutional muster, as concluded in the opinions dated June 21, 1985; June 4, 1986; May 22, 1987; and June 3, 1988.

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