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Office of the Attorney General

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June 4, 1985

Ms. Helen T. Zeigler, Special Assistant  
for Legal Affairs  
Office of the Governor  
Post Office Box 11450  
Columbia, South Carolina 29211

Dear Ms. Zeigler:

You have asked for the opinion of this Office as to the constitutionality of Senate Bill No. 672 with amendment, which bill is expected to be enacted by the General Assembly prior to its adjournment. The bill would revise the service area of the Lugoff Water District in Kershaw County. Considering the reasoning and authority cited in Ops. Atty. Gen. to you dated February 27, 1985 (re H.2164, R-2), March 21, 1985 (re H.2260, R-46), and May 24, 1985 (re H.2918, R-173), we would advise that S.672, as presented to this Office, is of doubtful constitutionality. See also Spartanburg Sanitary Sewer District v. City of Spartanburg, \_\_\_\_\_ S.C. \_\_\_\_\_, 321 S.E.2d 258 (1984) (construing Article VIII, Section 7 in the context of legislation for a special purpose district, directing that "the constitutional mandate of Article VIII, §7 that the General Assembly can modify legislation regarding special purpose districts only through the enactment of general law" be followed).

We would further advise that general law already exists to accomplish the alteration of boundaries of special purpose districts. See Section 6-11-410 et seq., Code of Laws of South Carolina (1976); Article III, Section 34(IX) of the

REQUEST LETTER

Continuation Sheet Number 2  
To: Ms. Helen T. Zeigler  
June 4, 1985

State Constitution (no special law to be enacted where a  
general law can be made applicable).

Sincerely,

*Patricia D. Petway*  
Patricia D. Petway  
Assistant Attorney General

PDP/an

REVIEWED AND APPROVED BY:

*Robert D. Cook*

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Robert D. Cook  
Executive Assistant for Opinions