

1984 S.C. Op. Atty. Gen. 65 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-24, 1984 WL 186443

Office of the Attorney General

State of South Carolina

Opinion No. 84-24

March 6, 1984

*1 Bill H.3460, R-318, which would establish a fee schedule for marriage licenses issued by the Anderson County Probate Court is a special law enacted where a general law can be made applicable and therefore is unconstitutional.

Governor of South Carolina

You have requested an opinion as to the constitutionality of Bill H.3460, R-318. It is our opinion that the bill is unconstitutional.

The bill would establish a fee schedule for marriage licenses issued by the probate court of Anderson County. The probate courts throughout the state are part of the unified judicial system established by Article V of the Constitution. [State ex rel McLeod v. Court of Probate of Colleton County](#), 266 S.C. 279, 291, 223 S.E.2d 166, 172 (1976). The Supreme Court has held that fees established for courts within the unified judicial system must be enacted on a uniform basis throughout the state. [State ex rel McLeod v. Crowe](#), 272 S.C. 41, 269 S.E.2d 772, (1978). Since this bill provides for a special fee in the probate court of only one county we would advise that it violates Article V of the Constitution. It further is a special law enacted where a general law can be made applicable, and therefore also in violation of [Article III Section 34\(IX\) of the Constitution](#). [State v. McIver](#), 270 S.C. 242, 243, 241 S.E.2d 747, 748 (1978). For these reasons we would advise that the bill is unconstitutional.

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