

1983 WL 181912 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 8, 1983

***1 Re: R-158, H-3128**

The Honorable Richard W. Riley
Governor
Columbia, South Carolina 29211

Dear Governor Riley:

You have asked for an opinion on the constitutionality of the above referenced bill. It is our opinion that the bill is most probably in violation of [Art. III, § 34 of the South Carolina Constitution](#).

The subject bill is clearly a special act in that it relates to fishing in only one pond in Marlboro County. The Constitution expressly prohibits special laws '[t]o provide for the protection of game.' [Art. III, § 34\(VI\), South Carolina Constitution](#). (Special legislation dealing with game zones is permitted. [id.](#)) The Constitution further provides that 'when a general law can be made applicable, no special law shall be enacted.' [Art. III, § 34\(IX\), id.](#) There are already two general law provisions which appear are applicable and would accomplish the same result. [§§ 50-9-430 and 50-9-901, Code of Laws of South Carolina, 1976 \(1982 Cum. Supp.\)](#). For this reason we would advise that the above bill is most probably unconstitutional.

Sincerely yours,

David C. Eckstrom
Assistant Attorney General

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