

1982 S.C. Op. Atty. Gen. 43 (S.C.A.G.), 1982 S.C. Op. Atty. Gen. No. 82-39, 1982 WL 155008

Office of the Attorney General

State of South Carolina

Opinion No. 82-39

June 7, 1982

*1 The Honorable Richard W. Riley
Governor of South Carolina
Columbia, South Carolina

Dear Governor Riley:

You have requested an opinion whether H. 3818 (R-493) and H. 3591 (R-489) are constitutional. It is the opinion of this Office that both are unconstitutional.

First, H. 3591 (R-489) provides that the Clerk of Court for Edgefield County shall not accept for filing any plat, map, or drawing, or section of or amendment thereto, unless it is smaller than a certain size. This Act appears to violate [Article III, Section 34 of the Constitution](#), which prohibits a special law where a general law can be made applicable. Clearly a general law can be made applicable to this subject. *See, e.g., § 14-17-560, Code of Laws of South Carolina*, 1976. A contrary conclusion would not be required in light of [Dillon County v. Maryland Casualty Co., 217 S.C. 66, 59 S.E.2d 640 \(1950\)](#). In that case a special exception to a general law relating to the Dillon County Probate Judge was upheld because the circumstances in Dillon County were sufficiently unlike those in other counties to justify an exception to the general law. In this Act, no special circumstances appear that would require the Clerk of Court for Edgefield to impose special requirements relating to the filing of papers in that county that would not apply in any other counties. In addition, this Act would appear to be an act for a specific county in violation of [Article VIII, Section 7 of the Constitution](#). For these reasons it is the opinion of this Office that H. 3591 (R-489) is unconstitutional.

Second, H. 3818 (R-493) is an Act which changes the name of the Hampton County Research, Planning and Development Commission, created by Act 980 of 1962, to the Hampton County Industrial Development Commission. Since this Act applies only to this particular Hampton County Commission, it is an act for a specific county in violation of [Article VIII, Section 7 of the Constitution](#). It should be noted that the Home Rule Act expressly empowers the county councils now to enact ordinances relating to all county agencies § 3, Act 283 of 1975. (This Section was not codified but appears in the Editors' Note immediately following [§ 4-9-10 of the Code](#).) Therefore, the Hampton County Council now may by ordinance change the name of the Hampton County Research, Planning, and Development Commission. For this reason, it is the opinion of this Office that H. 3818 (R-493) is unconstitutional.

Sincerely yours,

Daniel R. McLeod
Attorney General

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