

1979 WL 43105 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 9, 1979

*1 Harris A. Marshall, Jr., Esquire
Orangeburg County Attorney
Post Office Box 21
Orangeburg, South Carolina 29115

Dear Mr. Marshall:

You have requested an opinion from this Office as to whether or not that portion of Act No. 164 of 1979 which requires all counties to fund masters-in-equity is invalid under home rule as local legislation. In my opinion, that legislation is not invalid for the reasons hereinafter discussed.

While it is true that the General Assembly is prohibited from enacting special legislation where a general law can be made applicable, the portion of Act No. 164 concerning the masters-in-equity is a comprehensive general law relating to a uniform, State-wide system of masters-in-equity. Furthermore, broad powers are reserved to the General Assembly to establish and provide for the State court system by Act VIII, Section 14 of the South Carolina Constitution, which provides in part:

In enacting provisions required or authorized by this article, general law provisions applicable to the following matters shall not be set aside:

(4) the structure for and the administration of the State's judicial system; . . .

Finally, [Article V, Section 1 of the State Constitution](#) specifically directs the General Assembly to provide for courts of uniform jurisdiction by means of general law within a unified judicial system.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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