

1976 WL 30504 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 30, 1976

*1 James A. Bell, Esquire

County Attorney
216 Parler Avenue
St. George, South Carolina 29477

Dear Mr. Bell:

You have requested an opinion from this Office as to the validity of the Old Fort Fire District created by Act No. 639 of 1973 [58 STAT. 1231 (1973)], as amended.

Inasmuch as Act No. 639 of 1973 as well as the amendments thereto have been enacted, this Office must presume those acts to be constitutional until and unless a court of law declares otherwise. If, however, an action were brought pursuant to the Uniform Declaratory Judgments Act [§§ 10-2001 *et seq.* of the Code], my opinion is that those acts would most probably be declared unconstitutional as violative of Article VIII, Section 7 of the State Constitution. See, e. g., [Knight v. Salisbury](#), 262 S.C. 565, 206 S.E.2d 875 (1974); [Kleckley v. Pulliam](#), 265 S.C. 177, 217 S.E.2d 217 (1975). In addition to Act No. 1167 of 1974 [58 STAT. 2681 (1974)], you might also note Act No. 1063 of 1974 [58 STAT. 2277 (1974)] as well as Sections 14-3703(5) and 14-3705 of Act No. 283 of 1975, the 'home rule' legislation.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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