

1975 WL 29726 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
April 16, 1975

*1 Mr. John D. Spence
Box 5242
Station B
Greenville, South Carolina 29606

Dear Mr. Spence:

In an opinion to Representative Lloyd Hunt dated April 11, 1975, I advised him that, pursuant to a general law enacted by the General Assembly in 1974, the governing bodies of South Carolina's counties are now empowered to diminish, enlarge or consolidate existing special purpose districts located within each respective county. See, 58 STAT. 2018 (1974). In Section 2 of that Act, 'special purpose district' is defined as follows:

(a) 'Special purpose district' shall mean any district created by act of the General Assembly prior to March 7, 1973, and to which has been committed prior to March 7, 1973, any local governmental function. 58 STAT. Act No. 926, § 2(a) at 2019 (1974).

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Clearly, the Western Carolina Regional Sewer Authority falls within the definition hereinabove quoted since it was originally created as the Greater Greenville Sewer District in 1925 for the purpose:

. . . of providing better sanitary conditions for its people, . . . 34 STAT. Act No. 362, § 4 at 745 (1925).

The intent of the General Assembly, in enacting the 1974 law, was not to divest the special purpose districts included therein of any authority already possessed or to alter their functions so as to make them, in any way, agencies of the county governing bodies. Rather, the General Assembly found that:

[b]y reason of the adoption of new Article VIII to the Constitution of this State as of March 7, 1973, questions exist as to the power of the General Assembly to enact laws for specific counties which would enlarge the area of any existing special purpose district or which would allow two or more special purpose districts to consolidate . . . In order to provide a means by which existing special purpose districts may be enlarged, diminished or consolidated, the General Assembly has determined to grant to the governing bodies of the several counties of the State the power to enlarge or diminish the areas and consolidate the areas and functions of any special purpose districts within such county. 58 STAT. Act No. 926, § 1, ¶2 at 2019 (1974).

The General Assembly, then, was uncertain as to its own power to authorize a change in an existing special purpose district by a special act by reason of the ratification of new Article VIII and judicial interpretations placed upon it (see [Neel v. Shealy](#), 261 S.C. 266, 199 S.E. 2d 542 (1973); [Knight v. Salisbury](#), 262 S.C. 565, 206 S.E. 2d 875 (1974)) and, consequently, authorized county governing bodies to so act.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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