

1975 WL 28878 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 4, 1975

\*1 Honorable Fred T. Moore  
Member  
House of Representatives  
Anderson County  
Box 505  
Honea Path, South Carolina 29654

Dear Mr. Moore:

You have requested the opinion of this Office on the validity of Section 12 of the General Appropriations Act for the year 1974-75.

Section 12 has for its stated purpose the 'restructuring of governing bodies of Anderson and Greenville Counties.' The Act basically provides for the election of members of the governing bodies of those two counties, to be elected by the electors from each of the House of Representative's districts, provides for terms, and fixes the powers of the governing bodies of the two counties as being those powers conferred upon them, respectively, prior to the commencement of their initial terms.

It is my opinion that Section 12 is contrary to the provisions of Article VIII of the Constitution of South Carolina, specifically Section 7 thereof, which provides that:

'The General Assembly shall provide by general law for the structure, organization, powers, duties, functions, and the responsibilities of counties—.'

Section 12 constitutes a special law applicable to only two counties and is not a general law, such as is contemplated and required by the provisions of Article VIII of the Constitution. For this reason, it is my opinion that it is unconstitutional.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

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