

1975 WL 28971 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 1, 1975

*1 Frank E. Harrison, Esquire
McCormick County Attorney
Post Office Box 56
McCormick, South Carolina 29835

Dear Mr. Harrison:

You have requested an opinion as to the constitutionality of Act No. 717 of 1973 [58 STAT. Act No. 717 at 1374 (1973)] which Act creates the McCormick County Water and Sewer Authority and prescribes its service area and functions.

This office must take the position that, inasmuch as the Act has been enacted, it is presumed to be constitutional until and unless a court of law declares otherwise. We also advise, however, that if an action were to be brought pursuant to the Uniform Declaratory Judgments Act [Sections 10-200 et seq., CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended], the Act would, in our opinion, be declared unconstitutional pursuant to the decision of [Knight v. Salisbury](#), 262 S.C. 565, 206 S.E. 2d 875 (1974). See also, Thorne, et al. v. Seabrook, et al. (Opinion No. 20030, filed June 10, 1975).

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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