

1974 WL 27659 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 4, 1974

*1 The Honorable Robert C. Lake, Jr.
State Senator
Box 245
Whitmire, South Carolina 29178

Dear Senator Lake:

You have requested the opinion of this Office as to the validity of H-2650, which would amend Section 21-3603 of the 1962 Code, as amended by Act No. 884 of 1970. The effect of the adoption of the Bill would be to strike from Section 21-3603 certain provisions relating to standardized supplies, review of bids, and requirements as to competitive bidding.

It is my opinion that this legislation is probably constitutional. As I have written you today with respect to H-2651, the meaning to be given to the prohibition against special legislation contained in Article VIII of the Constitution is uncertain. I feel, however, that the Court will most probably apply the view which it has taken to school matters in the past and sustain such legislation as this against the contention that it is special legislation. In my letter to you concerning H-2651, I neglected to mention also that the Court may consider that the prohibition found in Article VIII is directed to forms of government only. If this view is adopted by the Court, legislation, such as is proposed in H-2650, would not, in my opinion, come within the scope of such prohibition.

I therefore advise that, in my opinion, H-2650 is probably constitutional.

Very truly yours,

Daniel R. McLeod
Attorney General

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