



HENRY MCMASTER  
ATTORNEY GENERAL

December 12, 2006

The Honorable R. Thayer Rivers, Jr.  
Chairman, Jasper County Legislative Delegation  
P. O. Box 104  
Ridgeland, South Carolina 29936

Dear Representative Rivers:

In a letter to this office you questioned the renaming of the John Smith Road in Jasper County.

According to the enclosures forwarded with your letter, a concurrent resolution was adopted by the General Assembly in 1989 requesting that the name of Warren Street in the Town of Hardeville be changed to John Smith Road. The Jasper County Council also approved a concurrent resolution on May 1, 1989 to rename S-141 between the outer limits of Hardeville and the intersection of Highway 170 in Jasper County the John Smith Road.

As to the effect of a concurrent resolution adopted by the General Assembly, as determined in a prior opinion of this office dated April 14, 2006, "...a concurrent resolution does not have the force and effect of the law...." It was determined that as a result, a concurrent resolution is not considered as binding. Reference was also made to another prior opinion of this office dated June 17, 1987 which stated that

...the general rule is that a joint or concurrent resolution adopted by the legislature is not a statute, does not have the force or effect of law, and cannot be used for any purpose for which an exercise of legislative power is necessary.

Also cited was another prior opinion of this office dated October 18, 1993 which had concluded that

[e]ven though legislative resolutions are entitled to deference and respect, they are not law. While a concurrent resolution may bind the members of the legislative body, they are not statutes and do not have the force and effect of law...Moreover, a concurrent resolution binds only the particular legislature which enacts it and not future ones...Resolutions are but temporary measures and die when the subject matter is completed.

*Dignat Letter*

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An opinion of this office dated March 11, 1980 dealt with a concurrent resolution which had established a portion of a state highway as the "Jim Bilton Boulevard". In that opinion we stated that the particular resolution "does not have the effect or power of an act. It is used whenever the legislative body passing it wishes merely to express an opinion as to some given matter or thing or, as in the present case, to submit a request." Another opinion also issued March 11, 1980 similarly concluded that the noted resolution did not have the full force and effect of law and, as a result, was not legally binding. It concluded that "[t]he decision of the Highway Commission to name that portion of U.S. 78 as Jim Bilton Boulevard is subject to modification by the Town of St. George if they so desire."

Consistent with the above, in the opinion of this office, the concurrent resolution of the General Assembly requesting the name of Warren Street in the Town of Hardeville be changed to John Smith Road did not have the force and effect of a law. As a result, it is not considered binding on any subsequent action with regard to the particular road.

As to the concurrent resolution issued by the Jasper County Council to rename the particular road the John Smith Road, state statutes recognize the authority of a county to name the streets and highways within its borders. See, e.g., S.C. Code Ann. §§ 5-27-170, 5-27-180, and 6-29-1200. In particular, Section 6-29-1200(A) states that

A local planning commission created under the provisions of this chapter shall, by proper certificate, approve and authorize the name of a street or road laid out within the territory over which the commission has jurisdiction...

Pursuant to S.C. Code Ann. § 6-29-320, the county council in each county is authorized to create a county planning commission. Subsection (B) of Section 6-29-1200 authorizes the changing of the name of a street or road within the boundaries of the territorial jurisdiction

...(1) when there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;

(2) when it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or

(3) upon any other good and just reason that may appear to the commission.

Additional authority for assigning street names by local governments is set forth in S.C. Code Ann. § 23-47-60. Such authority is set forth in association with providing 911 service in a particular locality.

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Consistent with the above, in the opinion of this office, a county is given the authority to provide names to particular roads and highways within county boundaries. As a result, the county would apparently have had the authority to rename a particular road as it saw fit.

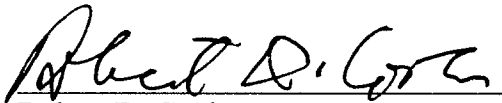
With kind regards, I am,

Very truly yours,



Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Assistant Deputy Attorney General