

1981 WL 158149 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 17, 1981

*1 Honorable Michael S. Gullledge
Member
House of Representatives
333-D Blatt Building
Columbia, South Carolina 29211

Dear Representative Gullledge:

In response to your request for an opinion from this Office regarding whether or not the South Carolina General Assembly can constitutionally enact legislation requiring all counties to expend funds in a specific way, my opinion is that it is so authorized especially if, as your letter states, the funds are supplied by the State in the form of portions of criminal fines returned to the local level with directions as to how the funds are to be used. So long as the legislation applies to all counties, I see no constitutional invalidity under the language of [Article VIII, Section 7 of the South Carolina Constitution](#). The fact that such legislation will be imposing a duty upon the counties does not render it invalid because the imposition of duties is expressly authorized by that constitutional provision ('[t]he General Assembly shall provide by general law for the . . . duties, . . . of counties . . .'). See also, [§ 4-9-50, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

1981 WL 158149 (S.C.A.G.)

End of Document

© 2015 Thomson Reuters. No claim to original U.S. Government Works.