

1981 WL 157844 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 1, 1981

*1 The Honorable John D. Bradley, III
House of Representatives
326-D Blatt Building
Columbia, South Carolina 29211

Dear Representative Bradley:

Attorney General McLeod asked me to respond to your letter of May 26, 1981. Your letter requested that he consider commencing a declaratory judgment action concerning the constitutionality of various acts requiring the Charleston County Legislative Delegation to approve the budgets of certain public service districts and political subdivisions within the County.

After discussing the request with Deputy Attorney General Goolsby and with me and reviewing the matter himself, Attorney General McLeod has concluded that he must decline. However, he has directed me to prepare for his review an opinion in response to an oral request from Representative Aydlette on the issue posed by you with regard to eleven specific Charleston County public service districts and political subdivisions. Due to the breadth of the subject of the opinion, its preparation will require a considerable amount of research and time. A copy of this opinion will be forwarded to you.

Attorney General McLeod asked that I enclose the copies of opinions herewith, which deal with [Article VIII, Section 7 of the Constitution](#). He also asked me to direct your attention to the following separation of powers [Article I, Section 8] cases: [Gunter v. Blanton, 259 S.C. 436, 192 S.E.2d 473 \(1972\)](#) [The Court held that an act, requiring the approval of the Delegation to tax increases adopted by a school district, assigned the Delegation a dual role in violation of the separation of powers.]

[Gould v. Barton, 256 S.C. 175, 181 S.E.2d 662 \(1971\)](#) [‘The power to approve the budget of the [Riverbanks Park] commission carries with it the power to disapprove until the budget conforms to the legislative wish, and thereby places in the Legislative Delegation control of the administration of the funds of the commission . . . [S]uch portion of Act No. 323 is unconstitutional and void.’]

[Aiken County Board of Education v. Knotts, 262 S.E.2d 14 \(1980\)](#) [To the same effect as [Gunter](#).]

With personal regards,

James M. Holly
Assistant Attorney General

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