

1975 S.C. Op. Atty. Gen. 44 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 3972, 1975 WL 22270

Office of the Attorney General

State of South Carolina

Opinion No. 3972

February 18, 1975

*1 The Honorable Robert R. Woods

Member

House of Representatives

Box 2115A

Charleston, South Carolina 29403

Dear Mr. Woods:

You have requested my opinion as to the validity of S-75 which provides as follows:

‘The Board of Trustees of the Medical University of South Carolina is vested with the power of eminent domain and may exercise such authority pursuant to the methods of condemnation authorized in Chapter 3 of Title 25. The authority granted in this section shall apply to private lands and to those devoted to a public or quasi-public use except for State-owned lands so long as the lands condemned are intended for use by the Medical University in the performance of its functions in the acquisition, construction and operation of facilities for the University.’

It is my opinion that this does not constitute local legislation. It is true that its provisions would extend the right of eminent domain to the Medical University which would undoubtedly be exercised only in Charleston County but it is a grant of authority to a university which exists only in that County and could not be exercised in any other manner except by extension to all similar institutions. I do not feel that the prohibition against local legislation would reach so far as to preclude a single State agency from being vested with the power of eminent domain. The prohibition against local legislation is directed against laws for a specific county and is, in my opinion, designed to and has the effect of vesting powers in county governing authorities except by general law.

I therefore advise that, in my opinion, the bill would enact a constitutional statute should it be passed. If you wish a more comprehensive research made of this subject, please advise me.

Cordially,

Daniel R. McLeod

Attorney General

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