

1975 WL 28907 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 11, 1975

***1 In Re: H-3146—To Authorize the Board of Township Commissioners of Union County to Provide for the Use of County Equipment on Private Properties**

The Honorable James B. Edwards

Governor

Columbia, South Carolina

Dear Governor Edwards:

The above bill reads as follows:

‘The Board of Township Commissioners of Union County is hereby authorized to provide for the use of county road maintenance equipment and labor to place soil and grade low areas on private property on access routes to public roads of the county when the low areas would prevent or impede ingress and egress to public roads by persons living on private access routes by vehicular traffic and thereby endanger such persons' lives or property in emergencies.’

It is my opinion that this bill is contrary to the provisions of Article VIII, Section 7, of the Constitution of South Carolina, which provides, in part, that:

‘No laws for a specific county shall be enacted—.’

It is my opinion also that the bill is unconstitutional in that it is violative of the provisions of Article X, Section 6, of the Constitution of South Carolina, which provides, in part, that:

‘The credit of the State shall not be pledged or loaned for the benefit of any individual, company, association or corporation.’

The basis for this conclusion is fully set forth in an opinion by The Honorable Robert W. Hayes, Judge of the Sixth Judicial Circuit, filed in the Office of the Clerk of Court for Chester County on December 8, 1967, a copy of which is enclosed herewith. A similar decree was issued by Judge Hayes and directed to County authorities in Laurens County.

The bill before you provides for essentially the same actions which were in issue in the cases to which reference is made.
Very truly yours,

Daniel R. McLeod

Attorney General

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