

1973 WL 26765 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 5, 1973

*1 Proposed special legislation that would take from the Greenwood County Council powers heretofore granted to that governing body is unconstitutional.

Chairman
Greenwood County Council

A bill has been introduced by one or more members of the local legislative delegation which provides in part:
The County Supervisor of Greenwood County shall supervise the construction and maintenance of the county's roads, highways, and bridges and recommend which roads and streets should be included in the State highway system and which roads and streets should be included in the county road system.

The proposed statute is practically identical to that which it proposes to repeal, Section 14-2217(5) of the South Carolina Code of Laws, a statute which confers upon the Greenwood County Finance Board, now, by virtue of Act No. 1103 of 1972 [see 57 STAT. Act No. 1103 at 2273 (1972)], called the Greenwood County Council, the power to supervise the construction and maintenance of county roads and bridges and the power to determine the roads that are to be included in the State highway system. See also, 56 STAT. Act No. 1228 § 9(1) at 627 (1970). You have inquired about the validity of the bill.

Recently, we advised that a proposed bill which would take from the Georgetown County Council powers heretofore given to it was unconstitutional because, as of March 7, 1973, the enactment of special legislation relating to county governing bodies is prohibited by the State Constitution. See, Letter from Daniel R. McLeod to William Doar (June 5, 1973). Inasmuch as the proposal involved herein, which is special in nature, would take from the Greenwood County Council powers heretofore granted to that body, it too is unconstitutional for the reasons stated by the Attorney General in his June 5, 1973, opinion, a copy of which is enclosed.

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