

1973 WL 27659 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 31, 1973

*1 The Honorable John C. Williams
Member
House of Representatives
Spartanburg County
1862 Main Street
Spartanburg, South Carolina 29302

Dear Mr. Williams:

Your letter of December 17, 1973, request the opinion of this office with regard to a proposed amendment to the organic act creating the Spartanburg County Board of Commissioners. The proposed bill would amend Section (m) of Act No. 29 of 1969 (1969 Acts 122) by essentially restoring authority set forth in Section (m) over the County Board of Assessment Control.

It is my opinion that this proposes legislation would be violative of the provisions of Article VIII of the Constitution of this State ratified March 7, 1973, and relating to the powers of local governments. Section 7 of Article VIII requires that the General Assembly provide by general law for the structure recognizing powers, duties, functions, and responsibilities of counties and provides that 'no laws for a specific county shall be enacted and no county shall be exempted from the general laws or laws applicable to the selected alternative form of government.

It is my opinion that these provisions prohibit the enactment of a statute of this nature particularly in that the measure would directly affect the powers, duties and responsibilities of the former government for Spartanburg County. A more comprehensive opinion considering this problem is herewith enclosed setting forth in greater detail the basis for the conclusions expressed herein.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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