

1972 S.C. Op. Atty. Gen. 18 (S.C.A.G.), 1972 S.C. Op. Atty. Gen. No. 3237, 1972 WL 20385

Office of the Attorney General

State of South Carolina

Opinion No. 3237

January 1, 1972

***1 Deeds issued under the provisions of the Industrial Revenue Bond Act for 1967 to the county are for a public purpose and exempt from the documentary tax by the provisions of Section 65–689, as amended.**

Attorney
Edgefield County

Subsequent to our telephone conversation of last week further research was given the issue of whether a deed of real property to Edgefield County executed pursuant to the provisions of the Industrial Revenue Bond Act, 1967 Acts, page 120, was exempt from the documentary tax. The tax is imposed by Section 65–689 of the Code and the same exempts a deed of property to the State of South Carolina or any of its political subdivisions and departments for highway or other public purposes.

The Supreme Court, in the case of *Elliott v. McNair*, 250 S. C. 75, 156 S. E. 2d 42, held that the Industrial Revenue Bond Act was for a public purpose.

‘We conclude that the Act here was for a public purpose and represents merely an expansion of the established legislative policy of improving the industrial climate of South Carolina in order to provide for the welfare and prosperity of its inhabitants and the mere fact that special benefits result by reason of its existence does not destroy the public purpose which promoted its enactment.’

The deed issued under the provisions of the Act would vest the property in Edgefield County for a public purpose and the deed would therefore be exempt from the tax.

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