

1976 WL 30790 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 18, 1976

*1 Ms. Barbara Elliott
Clerk
Town of Andrews
Andrews, South Carolina 29510

Dear Ms. Elliott:

You have requested an opinion as to whether or not there is any provision in Act No. 283 of 1975, the 'home rule' legislation, which would prohibit a municipality from paying a portion of that municipality's employees' insurance as part of their benefits.

In my opinion, there is no provision in the 'home rule' legislation which prohibits such a plan. Indeed, Section 47-30 provides in part:

[t]he powers of a municipality shall be liberally construed in favor of the municipality and the specific mention of particular powers shall not be construed as limiting in any manner the general powers of such municipalities.

See generally, 3 McQUILLIN, MUNICIPAL CORPORATIONS § 12.173 at 724 (3rd ed. 1973) ('... an act empowering a municipality to contribute to premiums on group life and hospital insurance policies of officers or employees who desire to take out the insurance is not unconstitutional as granting the municipality power to increase the compensation of public officers, servants or employees during their term of office or as an attempt to authorize the municipality to lend credit or grant public money in and of individuals').

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

1976 WL 30790 (S.C.A.G.)

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.