

1975 WL 29791 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 8, 1975

*1 Honorable Solomon Blatt
Speaker Emeritus
House of Representatives
State House
Columbia, South Carolina

Dear Mr. Blatt:

You have requested an opinion from this office as to the constitutionality of a bill proposing to amend Act No. 456 of 1969 and Act No. 1197 of 1974, so as to provide further for the powers and duties of the South Carolina Public Railways Commission, including the power to issue revenue, bonds for railroad purposes, and to delete the Commission's radius of operation.

We have reviewed the provisions and they appear to us to be constitutional; in particular, the provisions relating to the issuance of bonds by the Commission are identical to provisions of the Industrial Revenue Bond Act of 1969 [55 STAT. Act No. 103 at 120 (1967)], the constitutionality of which Act has been expressly upheld by the South Carolina Supreme Court in [Elliott v. McNair, 250 S.C. 75, 156 S.E.2d 421 \(1967\)](#).

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

ATTACHMENT

May 8, 1975

Dale T. Cobb, Jr., Esquire
Assistant City Attorney

City of Greenville

Post Office Box 2207

Greenville, South Carolina 29602

Dear Mr. Cobb:

Mr. Coleman has referred your recent letter to me for reply. You have inquired if South Carolina Code of Laws, 1962, Sections 4-102 and 23-658 which prohibit the sale and transfer of alcoholic liquors on election day would extend their prohibition to lounges and taverns. A prior opinion of this office, which I am enclosing, held that the prohibition against the sale of alcoholic liquors on election days does not apply to the sale of minibottles. Therefore, a lounge or tavern could sell minibottles on election day.

Very truly yours,

Treva G. Ashworth

Assistant Attorney General

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