

1975 WL 29004 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 14, 1975

**\*1 In Re: R-456—Appropriations Act—Colleton County 75-76**

The Honorable James B. Edwards  
Governor  
Columbia, South Carolina

Dear Governor Edwards:

The above bill was presented to you within five days prior to the adjournment of the last session of the General Assembly. Under the provisions of Article IV, Section 21 of the Constitution of this State, you have the authority to act upon this bill until the expiration of two days following the convening of the next session of the General Assembly.

Colleton County has a governing body which does not have the authority to levy taxes. The bill before you has among its purposes the appropriation of funds for the ensuing fiscal year. Unless this bill becomes law, Colleton County will revert to the prior Appropriations Act for the year 1974-75. It is my understanding that the most crucial area requiring additional funds is for the County school system.

The question presented to me is as to the validity or invalidity of this bill. The identical question is now pending before the Supreme Court of South Carolina in a case involving the validity of a similar Appropriations Act for Horry County. Until this decision is handed down, the validity of Appropriations Acts for the counties, where there is no local taxing authority, is in doubt.

I recommend that this bill be approved so that it may be placed into operation, as I understand that the first pay period of the current fiscal year will occur on Tuesday, July 15. Should the Supreme Court decide that Acts of this nature are invalid, then Colleton County could either voluntarily or as a result of a legal action revert to its prior County Appropriations Act. Should the Supreme Court affirm the validity of an Appropriations Act of this nature, then, of course, it would continue in effect.

I therefore recommend that this bill be approved. I recognize that this is a more practical than legal solution to the problem, but in view of the anticipated imminence of the decision in the Horry County case, I feel that it is the best means of achieving some ordered progress from a difficult situation which the delay in implementation of the local government amendment has caused.

Very truly yours,

Daniel R. McLeod  
Attorney General

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