

1974 S.C. Op. Atty. Gen. 355 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3916, 1974 WL 21412

Office of the Attorney General

State of South Carolina

Opinion No. 3916

December 18, 1974

\*1 Mr. Randall T. Ruble  
Erskine College  
Due West, South Carolina 29639

Dear Mr. Ruble:

You have requested an opinion from this office as to the legality of the Abbeville County Commissioners' transfer of county funds, in the form of rebates from the gasoline tax, to municipalities for the maintenance of city streets.

The law is clearly established that political subdivisions possess only those powers that either are expressly granted to them or are necessarily implied from an express grant of power. 81 C.J.S. States § 58 at 977–8; 1967 OP.ATTY.GEN. No. 2213 at 7. The powers and duties of the Abbeville County Commissioners are set forth in Section 14–710 of the Code of Laws of South Carolina, 1962, as amended. Nowhere in that legislation is there any language either expressly or impliedly granting to the Commissioners the authority to transfer county funds to municipalities for the maintenance of city streets or, indeed, for any other purpose. See, 58 STAT. 32 at 28 (1973).

In the absence of such a grant of power, therefore, the opinion of this office is that the Abbeville County Commissioners cannot lawfully transfer county funds, in the form of rebates from the gasoline tax, to municipalities for the maintenance of city streets.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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