

1979 WL 42782 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 29, 1979

*1 Honorable Charles E. Hodges
Member
House of Representatives
4307 Broad Street
Loris, South Carolina 29569

Dear Representative Hodges:

You have requested an opinion from this Office as to whether or not the General Assembly can, by special legislation, repeal Act No. 831 of 1973 [58 STAT. 1863 (1973)], which created the Horry County Planning Commission. In my opinion, such special legislation would not violate the provisions of [Article VIII, Section 7 of the South Carolina Constitution](#) prohibiting ‘laws for a specific county.’

Section 3 of Act No. 283 of 1975 [59 STAT. 692 (1975)], the ‘home rule’ legislation, provides in part that:

All . . . laws related [to county government] in effect on the date the change in form becomes effective shall remain in full force and effect until otherwise implemented by ordinance of the council pursuant to this act, Provided, however, that county councils shall not enact ordinances in conflict with existing law relating to their respective counties and all such laws shall remain in full force and effect until repealed by the General Assembly, or until January 1, 1980, whichever time is sooner, . . . [Emphasis added.]

Thus, the ‘home rule’ legislation contemplates that the General Assembly can accelerate the process of transferring county matters to county governments by empowering it to repeal special legislation before January 1, 1980, at which time county councils will be authorized to do so. Of course, the statutory provision does not give any such legislation constitutional sanction but I believe that the constitutional provision proscribing local legislation would not be violated by a local act which, in effect, gets rid of such legislation. I am enclosing copies of earlier opinions of this Office which reach a similar conclusion.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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