

1980 WL 120705 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 11, 1980

***1** The Honorable Richard W. Riley
Governor
State of South Carolina
Post Office Box 11450
Columbia, South Carolina 29211

Dear Governor Riley:

In response to your request for an opinion from this Office as to the constitutionality of an act of the 1980 General Assembly which repeals a 1950 special act relating to the issuance of building permits in Georgetown County, my opinion is that it is most probably unconstitutional as violative of the ‘no laws for a specific county’ language of [Article VIII, Section 7 of the South Carolina Constitution](#) as heretofore interpreted by the South Carolina Supreme Court. See, e.g., [Torgerson v. Craver](#), 230 S.E.2d 228 (1976), and [Cooper River Parks and Playgrounds Commission, et al. v. The City of North Charleston](#), — S.C. — (Opinion No. 21031 filed August 16, 1979). While there is authority to the effect that a special act which repeals a special act may not be unconstitutional [[Robertson v. Mena Bonded Warehouse Co., et al.](#), 223 S.E. 378 (1920); [State v. Prather](#), 112 P.829 (1911)] especially where it enhances the ‘home rule’ concept, the authority to repeal special acts has been expressly granted to the county councils as of January 1, 1980, by virtue of Act No. 283 of 1975 the ‘home rule’ legislation. The General Assembly, having devolved this authority upon county councils, is without authority to exercise such authority itself.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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