

1978 WL 34652 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 13, 1978

*1 Mr. Carroll D. Padgett, Jr.
Horry County Civil Defense Agency
P. O. Box 92
Conway, South Carolina 29526

Dear Mr. Padgett:

In response to your request for an opinion from this Office concerning the statutes of the Civil Defense Advisory Commission of Horry County (Commission), the 1967 legislation which created it [55 STAT. 1152 (1967)] has not been expressly repealed and, therefore, if that legislation has not been impliedly repealed, the Commission is still a functioning body. While the civil defense statutes which were in effect when the Commission was created and pursuant to which the Commission was to act [§§ 44-301 through 44-308 of the South Carolina Code of Laws, 1962, as amended] have been repealed, the legislation which has repealed them has not, in my opinion, effected an implied repeal of the Commission, to wit: Section 25-5-70(2) of the Code of Laws of South Carolina, 1976, provides that county and municipal governments are to be responsible for the performance of certain enumerated functions but does not require the formation of any particular type of commission or department to carry out those functions. In the absence of such a requirement, I think that the Commission would be the body authorized to perform them. I would also point out that any Horry County ordinance creating a civil defense department or board as a county agency which conflicts with the provisions of the 1967 legislation would not be authorized until at least January 1, 1980. See generally, 59 STAT. Act No. 283, Section 3 at 716-7 (1975).

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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