

1979 WL 43165 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 13, 1979

*1 Roy McBee Smith, Esquire
Spartanburg County Attorney
Post Office Box 5306
Spartanburg, South Carolina 29304

Dear Mr. Smith:

In response to your request for an opinion from this Office concerning the status of the elected register of mesne conveyances (RMC) in Spartanburg County in light of the provisions of Act No. 283 of 1975, the 'home rule' legislation, my opinion is that, inasmuch as the office is one created by a special law, the Spartanburg County Council will be empowered on January 1, 1980, to repeal or otherwise alter by ordinance the provisions of that special law.

Act No. 445 of 1908 [25 STAT. 1020 (1908)] established the elective office of RMC in Spartanburg County. That statute was subsequently amended to include at least three other counties but those enactments do not, in my opinion, affect the special or local nature of the legislation. It remains a law relating to Spartanburg County and its provisions can be altered by the Spartanburg County Council as of January 1, 1980, pursuant to SECTION 3 of the 'home rule' legislation. Moreover, if the Spartanburg County Council should decide to abolish that office as an elective one, it will be free to do so on January 1, 1980, to be effective at the expiration of the term of the present RMC which, I understand, occurs on December 31, 1980, since the language in [Section 4-9-60, CODE OF LAWS OF SOUTH CAROLINA, 1976](#), as amended, allowing elected officials who are in office when 'home rule' becomes effective in a county to serve out their respective terms appears to include all elected officials within a particular county.

I am enclosing a copy of an earlier opinion relating to your inquiry which may suggest the least objectionable means by which to combine the offices of RMC and clerk of court in Spartanburg County if that is the desired result, *i. e.*, by amending [Section 30-5-10 of the 1976 Code](#) to delete Spartanburg County from those counties presently expressly exempted therefrom.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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