

1978 WL 34694 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 9, 1978

\*1 Representative Cecil Tant Sandifer  
District No. 1  
Oconee County  
Westminister, South Carolina

Dear Representative Sandifer:

You have requested an opinion from this office as to whether or not the Oconee County Legislative Delegation (Delegation) continues to recommend for appointment the Oconee County Comptroller (Comptroller) now that the provisions of Act No. 283 of 1975, the 'home rule' legislation, are effective in Oconee County. In my opinion, the Delegation continues to recommend the Comptroller until at least January 1, 1980.

According to Act No. 64 of 1933 [38 STAT. 126 (1934)], as amended, the Comptroller is to be appointed by the Governor upon the recommendation of 'the County Senator with the County members of the House of Representatives or a major fraction of them.' [Section 4-9-30\(6\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, authorizes a county council to establish, regulate, and abolish such agencies, departments, boards, commissions and positions 'as may be necessary and proper to provide services of local concern for public purposes.' This language, when read in conjunction with the provisions of Section 3 of Act No. 283 of 1975 which allow a county council to enact ordinances in conflict with special laws after January 1, 1980, would empower the Oconee County Council to change the method of appointing the Comptroller after that date.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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