

1975 WL 29518 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 20, 1975

***1 Re: Greenville County Board of Social Services**

The Honorable Carolyn E. Frederick
House of Representatives
Greenville County
326 Chick Springs Road
Greenville, South Carolina 29609

Dear Representative Frederick:

You have requested the opinion of this office as to whether the Greenville County Council or the Greenville County Legislative Delegation has plenary authority to recommend individuals to become members of the Greenville County Board of Social Services. It is the opinion of this office that such authority resides solely with the Greenville County Council.

The apparent conflict is occasioned by the wording of Section 71-31, a general act with state-wide effect, and, Act No. 573, a special provision having only local effect. Both of these enactments purport to give different bodies the sole authority to make the same decisions. In resolving disputes between general legislation and special legislation the South Carolina Supreme Court has said;

‘ . . . General and special statutes should be read together and harmonized if possible. But to the extent of any conflict between the two, the special statute must prevail. (Emphasis added)

[Criterion Insurance Co. v. Hoffmawn](#), 188 S.E.2d 459, 258 S.C. 282(1972). [Gregory v. Rollins](#), 95 S.E.2d 487, 230 S.C. 269 (1956).

Therefore, since Section 71-31 is general in its effect and application, while Act No. 573 is special legislation, any resolution of a conflict must favor the special enactment. Please note that Act No. 573 was passed and approved before the Constitution changes of 1972, which have been interpreted as banning all special legislation by some authorities. However, this entire area is not free from doubt.

If this office can be of any further assistance, please contact us immediately.

Respectfully,

Lincoln C. Jenkins, III
Staff Attorney

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