

1975 WL 29320 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 10, 1975

\*1 Mr. Thomas A. Babb  
County Attorney  
Laurens, South Carolina 29360

Dear Mr. Babb:

You have requested an opinion from this office as to whether the Laurens County Council has the authority to alter the number of members of the Laurens County Airport Commission which was established by Act No. 696 of 1962 of the General Assembly. 52 STAT. Act No. 696 at 1695 (1962). Inasmuch as that Commission, as well as its membership, was created by statute, any alteration therein would have to be accomplished by an amendment thereto, in the absence of an express or necessarily implied delegation of such authority to another body, in this case, to the Laurens County Council. The powers and duties of the Laurens County Council are set forth in Act No. 403 of 1969 [56 STAT. Act No. 403 at 708 (1969)], as amended by Acts No. 910 and No. 971 of 1970 [56 STAT. Act No. 910 at 1990 and Act No. 971 at 2072 (1970)]. Nowhere in that legislation is there any language either expressly or impliedly granting to the Council the authority to alter the membership of the Laurens County Airport Commission, although Section 4 of Act No. 403 of 1969 does devolve the appointive and recommendatory powers formerly vested in the county legislative delegation upon the Laurens County Council.

In the absence of such a grant of power, therefore, the opinion of this office is that the Laurens County Council cannot alter the membership of the Laurens County Airport Commission.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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