

1974 S.C. Op. Atty. Gen. 135 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3763, 1974 WL 22429

Office of the Attorney General

State of South Carolina

Opinion No. 3763

April 29, 1974

**\*1** Act No. 926 of 1974, which authorizes counties to alter special purpose district boundaries, is not repugnant to the earlier Act granting Greenville County freeholders residing in an area contiguous to a special purpose district the power to petition for annexation into the district.

County Attorney  
Greenville, S.C.

Senator Richard Riley has requested an opinion from this office as to the effect which Act No. 926 of 1974, authorizing county governing bodies to alter the boundaries of special purpose districts existing therein, has on Act No. 1414 of 1970 [56 STAT. 3060] which Act prescribes a majority freeholders' petition procedure in order to annex contiguous areas to already existing special purpose districts in Greenville County.

The opinion of this office is that Act No. 926 of 1974 has not impliedly repealed the earlier statute; indeed, the two statutes can be read together to provide alternative methods for altering the service areas of special purpose districts in Greenville County.

Repeals by implication are not favored in the law. [City of Spartanburg v. Blalock](#), 223 S.C. 252, 75 S.E.2d 361; 82 C.J.S. Statutes § 288 at 486; 50 AM.JUR. Statutes § 538 at 542. The law in South Carolina has long been that a later statute does not repeal by implication an earlier enactment unless it is “plainly repugnant” to the earlier statute, or fully embraces the whole subject matter of the earlier law. See: [State v. Alexander](#), 14 Rich.Law 247; [State v. Hood](#), 181 S.C. 488, 188 S.E. 134.

Clearly, the Act allowing county governing bodies to alter special purpose district boundaries is not repugnant to the Act granting Greenville County freeholders residing in an area contiguous to a special purpose district the power to petition for annexation into the district; the earlier statute provides a method by which potential beneficiaries of special services can obtain those services and the later statute provides a method by which the county government can supply those services. The 1974 statute was not intended to provide the sole means by which the boundaries of special purpose districts can be changed. The intent of the General Assembly in enacting Act No. 926 of 1974, as expressed in Section 1 therein, was:

[Since] questions exist as to the power of the General Assembly to enact laws for specific counties which would enlarge the area of any existing special purpose district or which would allow two or more special purpose districts to consolidate.... In order to provide a means by which existing special purpose districts may be enlarged, diminished or consolidated, the General Assembly has determined to grant to the governing bodies of the several counties of the State the power to enlarge or diminish the areas and consolidate the areas and functions of any special purpose districts within such county. [Emphasis added.]

**\*2** Moreover, the 1974 statute does not fully embrace the subject matter of the earlier one; the earlier statute allows expansion into contiguous areas only while the 1974 Act allows unrestricted intra-county expansion. The 1974 Act, unlike the 1970 Act, also provides for consolidation and diminution of special purpose districts as well as for changes in functions of special purpose district commissions. Finally, in Section 26, the 1974 Act specifically excepts recreational

and historical districts from its provisions. The 1970 Act, on the other hand, applies to all special purpose districts within Greenville County.

For the foregoing reasons, this office is of the opinion that the two statutes provide alternative, but compatible, methods of expanding the service areas of special purpose districts within Greenville County. Cf., Sections 47–11 et seq., CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended, providing alternate annexation procedures vis a #vis municipalities.

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