

1973 S.C. Op. Atty. Gen. 312 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3635, 1973 WL 21087

Office of the Attorney General

State of South Carolina

Opinion No. 3635

October 1, 1973

*1 The Honorable E. C. Furnett, III
Member
House of Representatives
Box 1742
Spartanburg, South Carolina 29301

Dear Mr. Burnett:

Thank you for your letter of September 25, 1973, inquiring as to whether or not new areas within the State may incorporate under existing law or must they await the enactment of new legislation pursuant to the recently enacted constitutional amendments.

In my opinion, the new constitutional provisions of Article VIII of the Constitution (local government) do not preclude the incorporation of areas under present law. There is nothing in the local government amendment which suspends the operation of existing incorporation statutes and, in my opinion, they may be continued as a basis for incorporation until they are modified by the General Assembly in accordance with the new constitutional provisions.

I have not seen any draft of proposed legislation designed to implement the local government amendment but I know that the matter is before a committee of the General Assembly at the present time. The counties have, however, prepared proposed plans for counties which have been submitted to the committee and I understand that municipal authorities are working similarly.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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