

1979 WL 43259 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 24, 1979

*1 Honorable Horace C. Smith
Senator
District No. 4
P.O. Box 1144
Spartanburg, SC 29301

Dear Senator Smith:

The recent request for an opinion concerning annexation of property in a special purpose district in Spartanburg County has been referred to me for reply. The question has been raised as to which act controls the annexation in a special purpose district. Act No. 423 from 1961 [1961 (52) 701] establishes a specific procedure for property in water and sewer districts in Spartanburg County to be annexed. Act No. 926 of 1974 [1974 (58) 2018] codified at South Carolina Code of Laws, 1976, Section 6-11-410, et seq., was enacted by the General Assembly following the adoption of new Article VIII of the South Carolina Constitution. In Section 1 of the Act designated "Findings", the legislation states in part that: [b]y reason of the adoption of new Article VIII to the Constitution of this State as of March 7, 1973, 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 ... 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.

Section 2 of the Act codified at South Carolina Code of Laws, 1976, Section 6-11-410(a) defines special purpose district as meaning:

... any district created by act of the General Assembly prior to March 7, 1973, and to which has been committed prior to March 7, 1973, any local government function.

It is evidenced from the language of the Act that the Legislature intended this Act to supersede all prior acts concerning increasing or decreasing special purpose districts. If two provisions cannot stand together, the earlier law is repealed. [State v. Stoll, 17 Wall. 425, 21 L.Ed.2d 650 \(1873\).](#)

Therefore, any annexations in a special purpose district in existence prior to March 7, 1973, should be accomplished pursuant to the requirements of Act 926 of 1974.

Very truly yours,

Treva G. Ashworth
Senior Assistant Attorney General

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