

1979 WL 43499 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 1, 1979

*1 John P. Britton, Esquire
Court Library Commission of Greenville County
301 College Street
Suite 800, First Federal Building
Greenville, SC 29601

Dear Mr. Britton:

You have requested an opinion from this Office as to what effect, if any, the provisions of Act No. 283 of 1975, the 'home rule' legislation, will have on the legislation creating and providing for the Court Library Commission of Greenville County. 39 STAT. 1405 (1936). In my opinion, Act No. 283 gives to the Greenville County Council the power to alter that legislation by ordinance as hereinafter discussed.

Section 3 of Act No. 283 provides in relevant part:

All operations, agencies and offices of county government, appropriations and laws related thereto in effect on the date the change in form becomes effective shall remain in full force and effect until otherwise implemented by ordinance of the council pursuant to this act. Provided, however, that county councils shall not enact ordinances in conflict with existing law relating to their respective counties and all such laws shall remain in full force and effect until repealed by the General Assembly, or until January 1, 1980, whichever time is sooner . . .'

Therefore, until and unless the Greenville County Council provides otherwise by ordinance after January 1, 1980, the Commission will continue to operate under the provisions of the 1936 legislation. After that date, however, the provisions of the 1936 legislation can be altered by ordinance at the discretion of the Greenville County Council. Cf., [§§ 4-9-35 et seq.](#), [CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended (Cum.Supp.)

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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