

1978 WL 35052 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 21, 1978

\*1 Honorable Irene K. Rudnick  
Member  
House of Representatives  
Post Office Box 544  
Aiken, South Carolina 29801

Dear Representative Rudnick:

In response to your request for an opinion from this Office concerning the status of the Aiken County Tax Collector after January 1, 1980, my opinion is that the Aiken County Council will be empowered after that date to regulate, alter or even abolish that office by virtue of the following language of Act No. 283 of 1975, the 'home rule' legislation:

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with existing law relating to their respective counties and all such laws shall remain in full force and effect until repealed by the General Assembly, or until January 1, 1980, whichever time is sooner, . . . 59 STAT. 692 at 716 (1975).

Inasmuch as the Aiken County Tax Collector's office was created by special legislation [48 STAT. 1548 (1954)], the Aiken County Council will be able to modify that special act after January 1, 1980.

As to your second inquiry concerning whether or not the Aiken County Council, after January 1, 1980, can combine the position of Tax Collector with the office of Aiken County Treasurer, my opinion is that it can neither add to, take from or otherwise alter the statutory duties of county officials whose offices are created by general law or by the Constitution. I am enclosing herewith a copy of an earlier opinion to that effect.

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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