

1974 WL 27483 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 14, 1974

*1 Honorable G. P. Callison
County Attorney
505-9 Textile Building
Greenwood, South Carolina 29646

Dear Mr. Callison:

Your letter requests an opinion of this office as to whether Act No. 128 of the 1973 Session of the South Carolina General Assembly repealed Sections 44-921 et seq. CODE OF LAWS OF SOUTH CAROLINA, 1962, as well as Section 44-308.

Under Section 44-308 the county delegation was responsible for appointing a chairman and overseeing the workings of the county civil defense organization. Section 44-921, which was enacted pursuant to the general law (Section 44-308), created a Civil Defense Advisory Committee to be appointed by the county delegation and ‘to formulate, supervise and administer a civil defense program for Greenwood County.’

In 1973, Act No. 128 repealed Section 44-308, thus withdrawing the powers and duties of the county civil defense organization appointed by the county delegation, and vested this power to organize civil defense programs in the county and municipal governments. This office is in agreement with the reasoning of your letter that Act No. 128 also impliedly repealed Sections 44-921 et seq. There is a clear and irreconcilable conflict in the powers granted under Section 44-921 to the Civil Defense Advisory Committee for Greenwood County and the powers vested by the later statute. Therefore, Act No. 128, being the last expression of the legislative will, controls and vests all responsibilities in civil defense in the county and municipal governments.

Kind personal regards,

C. Tolbert Goolsby, Jr.

1974 WL 27483 (S.C.A.G.)

End of Document

© 2019 Thomson Reuters. No claim to original U.S. Government Works.