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December 22, 1988

Peter D. Hyman, Esquire
Florence County Attorney
Post Office Box 1770
Florence, South Carolina 29503

Dear Mr. Hyman:

Thank you for your letter of November 30, 1988, concerning that part of the Home Rule Act, Act No. 283 of 1975, which required county councils to furnish office space for the county legislative delegations and which was not codified in the 1976 Code of Laws of South Carolina. As you stated in your letter, we had already mailed to you copies of opinions dated October 18, 1983; August 17, 1981; July 7, 1981; September 18, 1979; and May 18, 1978, concerning the provision of office space to county legislative delegations by county councils.

In spite of the fact that the relevant portion of section 3 of Act No. 283 of 1975 was omitted from the 1976 Code of Laws, this Office has continued to suggest that the enactment be followed, as indicated by the five referenced opinions, the oldest of which was issued several years after the adoption of the Home Rule Act. It is also worthy of mention that another uncodified portion of section 3 of Act No. 283 has been discussed and applied as late as 1986 in Graham v. Creel, 289 S.C. 165, 345 S.E.2d 717 (1986), a copy of which is enclosed.

Thus, it appears appropriate that section 3 of Act No. 283 of 1975 continue to be followed, in spite of its failure to be codified in the 1976 Code of Laws.

Peter D. Hyman, Esquire
Page 2
December 22, 1988

With kindest regards, I am

Sincerely,

Patricia D. Petway
Patricia D. Petway
Assistant Attorney General

PDP:sds
Enclosure

REVIEWED AND APPROVED BY:

Robert D. Cook

ROBERT D. COOK
EXECUTIVE ASSISTANT FOR OPINIONS