

1977 WL 37274 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 21, 1977

\*1 Mr. Paul T. Carcieri  
Director  
Research and Planning Services  
State of Rhode Island & Providence Plantations  
Department of the Attorney General  
Providence County Court House  
Providence, Rhode Island 02903

Dear Mr. Carcieri:

In reply to your letter of March 7, 1977, concerning representation of State agencies, I advise, in reply to your first question:

The Attorney General of South Carolina is required to represent various boards, departments, commissions and agencies of the State and this occupies our primary attention, either by way of litigation or by advice.

In reply to Question 2:

There is no 'Purchase Service Agreement' whereby this Office is reimbursed for expenditures or compensated for legal services pro rata. The sole exception is with respect to the State Highway Department, which is our major client and which makes an appropriation to this Office in an annual amount which, at the present time, is \$400,000.00. In some instances, we afford representation to such entities as school districts, cities and counties, although we are not legally compelled to do so, but the expertise which this Office has developed in such areas as reapportionment, civil rights, taxation and a newly developed constitutional system of home rule for county governments leads many of such agencies to seek our assistance. On occasions, we will require, if possible, that an agency underwrite the costs involved in litigation, such as printing costs and automobile travel costs for Assistants who may be assigned to the task. The matter has been broached to me by at least one legislative committee member but, in my view, the reimbursement feature of the type you describe would not be feasible in this State for the reason that expenditures are not normally made available for this purpose, could not be reasonably anticipated and, in any event, the monies that would be paid to this Office for legal services come from the same tax revenue source. The State of Maryland has, however, such a provision which informal discussion indicates to me has worked satisfactorily.

Very truly yours,

Daniel R. McLeod  
Attorney General

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