

1977 S.C. Op. Atty. Gen. 278 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-350, 1977 WL 24689

Office of the Attorney General

State of South Carolina

Opinion No. 77-350

November 3, 1977

*1 Robert D. Heilman, Esquire
Legislative Council of the General Assembly
Post Office Box 11417
Columbia, South Carolina 29211

Dear Bob:

Mr. McLeod has referred your request for advice of November 2, 1977, to me for reply. In that letter, you inquired what constituted an original document as opposed to a duplicate original of documents submitted to the Legislative Council for filing under. Section 3 of Article 1 of Act 176 of 1977. Your inquiry was prompted by your understanding that it was not necessary to have three originally and separately typed documents submitted to the Council so long as the documents submitted are signed by an authorized official.

Section 3 of Article 1 of Act 176 of 1977 provides that the original and either two additional originals or two certified copies of each document authorized or required to be published in the State Register be filed with the Legislative Council. 'Original' has been defined as 'pertaining to original or beginning; preceding all others; first in order or existence.' [Lynch v. McCann](#), 478 P.2d 835, 837. It has also been defined as 'completely and fully executed by the maker of a document.' [Menzi v. White](#), 360 Mo. 319, 228 S.W.2d 700. As a practical matter, therefore an original document referred to in Section 3 would be the first document submitted to the Council which was assigned by an authorized official. An additional original would be a carbon copy or photostatic copy of the original document which is also signed by the authorized official. A certified copy would be a carbon copy or photostatic copy of the original document which has been certified by the agency to be a true copy of the original.

Inasmuch as Section 3 requires the original and either two additional originals or two certified copies of the document to be filed, it is not necessary to have three originally and separately typed documents submitted to the Council. The intent of this Section is to allow the public to have notice of agency regulations. As long as the document is an accurate copy of the actual rules embodied in the original document, notice is given to the public.

If this situation is causing undue administrative delay and expense perhaps the Council should consider promulgating a regulation clarifying the Council's position pursuant to Section 5(1) of Article I.

Sincerely yours,

Richard D. Bybee
Staff Attorney

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