

1984 WL 249989 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 10, 1984

*1 Helen T. Zeigler
Special Assistant for Legal Affairs
Office of the Governor
Post Office Box 11450
Columbia, South Carolina 29211

Dear Ms. Zeigler:

By your letter of September 28, 1984, you have asked that this Office review its opinion of September 16, 1976, to determine whether the opinion is still in effect. That opinion construed statutes setting forth the procedures to be followed when a portion of one county is sought to be annexed to another county. In particular, [Section 4-5-140, Code of Laws of South Carolina](#) (1983 Cum.Supp.), concerning the employment of surveyors by the annexation commission, was examined. We have reviewed the opinion, published as [Op. Atty. Gen. No. 4448](#), as well as applicable statutes, which have not been amended since the opinion was rendered. Thus, we would advise that the opinion is still in effect. Copies of that opinion and an opinion dated March 6, 1980, are enclosed herewith.

We would also point out that eight years have elapsed since Opinion No. 4448 was published. While an opinion of the Attorney General is not binding on a court, it is generally recognized that, in the absence of controlling authority, the rationale contained in such opinion is deemed persuasive since the General Assembly would be presumed to be cognizant of the Attorney General's construction of the statute. [Henderson v. Los Angeles City Board of Education](#), 78 Cal.App.3d 882, 144 Cal.Rptr. 568 (1978).

Please advise this Office if you need additional information or clarification.

Sincerely,

Patricia D. Petway
Assistant Attorney General

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