

1983 WL 182030 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 18, 1983

*1 The Honorable Ben E. Thrailkill, Jr.
Representative
District No. 106
Box G
Surfside Beach, South Carolina 29577

Dear Representative Thrailkill:

The Attorney General has referred your letter of September 29, 1983, to me for response. Your concern is that the Horry County Council has failed to provide you, a member of the legislative delegation, with office space as required by the Home Rule Act of 1975.

Section 3 of Part I of Act No. 283 of 1975 (the Home Rule Act) provides:

Under all forms of county government except the board of commissioners form, county councils shall provide office space and appropriations for the operation of the county legislative delegation office including compensation for staff personnel and necessary office supplies and equipment. The amount of such appropriations shall be determined by the legislative delegation and included in the annual county budget by the council. The delegation shall be responsible for the employment, supervision and discharge of all personnel employed in the delegation office.

This section has been interpreted in a prior opinion of this office dated December 29, 1976, a copy of which is enclosed. The use of the word 'shall' connotes mandatory compliance on the part of County Council. 2A Sutherland Statutory Construction § 57.03.

Further, this office has advised in prior opinions that the Act contemplates the establishment of one legislative delegation office by each county and that a county is not required to finance more than one office for the legislative delegation. See Opinions of the Attorney General, dated September 18, 1979, August 17, 1981, and July 7, 1981, copies of which are enclosed.

I hope this adequately responds to your request. If you have any further questions, please do not hesitate to contact us.

Sincerely,

Patricia D. Petway
Staff Attorney

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