



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

June 17, 1998

Linda C. McDonald, Assistant Chief Counsel
South Carolina Department of Transportation
Office of General Counsel
Post Office Box 191
Columbia, South Carolina 29202-0191

RE: Informal Opinion

Dear Ms. McDonald:

Your opinion request has been forwarded to me for reply. It is my understanding, after speaking with a law clerk in this Office who discussed this matter with you, that your question is whether two prior opinions of this Office which discuss the constitutionality of providing public funds to a private entity for the performance of a public purpose are still valid opinions of this Office.

The two opinions in question are dated December 12, 1979 and July 12, 1984. Both of these opinions support the proposition that when public funds are allocated to a non-profit corporation for a valid public purpose, Article X, Section 11 of the South Carolina Constitution would not be violated. As this proposition of law has not changed, these two opinions are still valid opinions of this Office. I note that the December 12, 1979 opinion has been cited in opinions of this Office as recently as September 12, 1996, and the July 12, 1984 opinion as recently as January 16, 1997.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

Ms. McDonald
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With kindest regards, I remain

Very truly yours,



Paul M. Koch

Assistant Attorney General