

The State of South Carolina



Office of the Attorney General

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October 16, 1986

The Honorable G. Ralph Davenport, Jr.
Member, House of Representatives
Post Office Box 1301
Spartanburg, South Carolina 29304

Dear Representative Davenport:

You had asked that we clarify the response to your first question in our letter dated September 30, 1986. The essence of your inquiry was whether a political subdivision such as a county could require a publicly-owned entity or public agency to turn over its profits or other monies to the political subdivision to be used for budgetary purposes. In our letter, we stated that

a political subdivision has a great deal of discretion in establishing its budget, identifying revenue sources, providing sufficient revenues to meet its proposed budget, and expending those revenues.

We would add, as clarification, that a political subdivision has absolute control in its appropriation process. If, for example, a county council wishes to require the various county agencies to return monies on hand at the end of the fiscal year to the county treasury, such is within the control of the county council. By using the term "discretion," we intended to describe

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the control or authority inherent in the political subdivision's governing body with respect to the budgetary process.

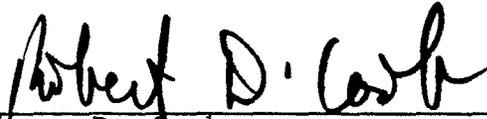
With kindest regards, I am

Sincerely,

Patricia D. Petway
Patricia D. Petway
Assistant Attorney General

PDP/an

REVIEWED AND APPROVED BY:



Robert D. Cook
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