

1976 WL 30422 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 6, 1976

***1 In Re: Extent of Governor's Power to Veto Sections or Items of an Appropriations Bill**

The Honorable James B. Edwards
Governor
Columbia, South Carolina

Dear Governor Edwards:

You have requested an opinion on the meaning of the constitutional provision which relates to the power of the Governor to veto portions of a bill appropriating money.

The Constitution of the State provides, initially, that such bills 'shall specify the objects and purposes for which (appropriations) are made, and appropriate to them, respectively, their several amounts in distinct items and sections.' This mandate is imposed upon the Legislature.

The Constitution then provides that:

'If the Governor shall not approve any one or more of the items or sections contained in any bill appropriating money, but shall approve of the residue thereof, it shall become a law as to the residue, in like manner as if he had signed it.'

There is no definition of 'items and sections' set forth in the Constitution but the Supreme Court of this State has considered that:

'The requirement of itemization is to be given a common sense construction, and the statement of a single appropriate general purpose may be sufficient, although there are many items, particularly where it is difficult to determine in advance the exact amount of each item.'

An item may be designated in an Appropriations Act by letter or by number. In one decision of the Supreme Court, general fund appropriations were made in a single amount by one section of the Appropriations Act and to same section directed in the same section that the funds be used for certain purposes identified by the letters (a) through (h). The item designated as (h) was vetoed by the Governor and, while the point was not in issue before the Court, it was clear that it was so considered as a separate item and is therefore illustrative of a typical item of a section.

Based upon this decision, as well as the apparent meaning of the constitutional provision, it is my opinion that the Governor may veto a portion of a section in an Appropriations Bill but that the veto of an item, which is a subdivision of a section, must be done in its entirety.

Only four cases appear to have reached the Supreme Court of South Carolina touching in this general area. They present varying circumstances which are not here detailed. In view of the many possible forms which an Appropriations Act may take, I suggest that the precise circumstances be set forth for separate consideration as to whether the veto power may be exercised in a specific manner.

Very truly yours,

Daniel R. McLeod
Attorney General

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