

1980 WL 121197 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 28, 1980

*1 Honorable John M. Rucker
Representative
District No. 40
Room 530A, Blatt Building
Columbia, South Carolina 29211

Dear Mr. Rucker:

You have requested an opinion as to whether a portion of the 'Aid to Subdivisions' appropriations going to Newberry County must be given to the county schools. This aid is included in Section 120 of the Appropriations Act, Act 120, Acts and Joint Resolutions of South Carolina, 1979. In addition, it is included in supplemental appropriations for 1978-79 expenses. Act 194, Part II, Section 1, No. 37, 1979. See also Appropriations for Governor's Office, Office of Executive Policy and Programs, Act 199, Section 5, Subsection 5C, 1979.

Nothing in these provisions expressly or implicitly requires counties to give county schools a share of the appropriations. Counties are separate subdivisions from municipalities and school districts and, the subdivision aid to the counties must be intended to go to them as independent subdivisions. Because these appropriations are not restricted, they must be intended to be used by the counties, in their discretion, for authorized county purposes. Nothing in either state law or local law for Newberry County would require this money to be used in part or in full for the county's schools.

This conclusion is further supported by the fact that the Governor's Office Appropriations for aid to subdivisions separately provides for school districts, counties and cities. See Act 199, § 5, supra. These separate allocations for school districts clearly indicate that subdivision aid to counties is not required to be shared with the schools.

In conclusion, Newberry County is not required to allocate any of its aid to subdivision funds to the county schools. If you have any questions, or if I can be of further assistance, please let me know.

Yours very truly,

J. Emory Smith, Jr.
State Attorney

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