

1979 WL 42814 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 15, 1979

*1 Honorable Robert N. McLellan, Sr.
Member
House of Representatives
Box 794
Seneca, South Carolina 29678

Dear Mr. McLellan:

There is submitted herewith an opinion by Assistant Attorney General Katherine W. Hill, which is a detailed legal analysis of the problem recently presented by you in connection with the authority given to the Budget and Control Board to provide insurance coverage to chartered non-profit, eleemosynary hospitals in this State so as to protect such hospitals against tort liability.

In the opinion of this Office, such authority to provide insurance to private hospitals is probably contrary to Article X, Section II, of the Constitution of this State, which prohibits the use of the credit of the State or of its political subdivisions 'for the benefit of any individual, company, association or corporation.' There is an area of doubt with regard to the conclusion which we have expressed and this doubt can only be resolved by a court decision. The bases on which this conclusion is expressed are fully explored in the letter of Ms. Hill which is forwarded herewith.

With best wishes,
Very, truly yours,

Daniel R. McLeod
Attorney General

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