

1980 WL 120849 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 29, 1980

*1 Mr. William T. Putnam
Executive Director
State Budget and Control Board
Wade Hampton Office Building
Columbia, South Carolina 29201

Dear Mr. Putnam:

The State Budget and Control Board has asked the opinion of this Office whether it may authorize the Comptroller General to deduct from State employee's payrolls contributions to an organization of public charities known as 'The Other Way'. According to the records in the Office of the Secretary of State, this organization has been registered in accordance with the provisions of the South Carolina Solicitation of Public Funds Act and assigned solicitation Permit No. 214.

Under State Personnel Regulations promulgated by the Board, Sections 9.01 and 9.02, solicitations by registered charitable organizations may be approved by individual agency heads and conducted under agency supervision. Solicitations from State employees may, therefore, be permitted for 'The Other Way' upon approval of the individual agency head.

Solicitation, however, does not include authorization for deduction of contributions from the State employee's payroll, which may be permitted only by statute. Attorney General Opinion No. 4311 (1976); Opinion letter of July 13, 1963, (copy attached). Statutes presently authorizing deductions from State employee payrolls, which are listed in the footnote to this letter, do not include authorization of deductions for charitable contributions. The fact that deductions have been permitted for some purposes and not others does not require the State to make payroll deduction available to every group wishing access. See, [City of Charlotte v. Firefighters](#), 426 U.S. 283, 48 L.Ed.2d 636, 96 S.Ct. 2036 (1976).

In any event, the Budget and Control Board is not presently authorized under any of the powers granted to it by the General Assembly to approve deductions from State employee payrolls not permitted by statute. See, generally, Title 1, Chapter 11, Code of Laws of South Carolina, 1976, as amended. The fact that the General Assembly specifically authorizes certain payroll deductions each year in the Appropriations Act (See Act 517 of 1980 at p. 1577), as well as the general statutes below cited, negatives any intent to include such authority in the implied powers of the Board. 'The Other Way' must address its appeal for such permission to the General Assembly.

Yours very truly,

Frank K. Sloan
Deputy Attorney General

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