

1977 S.C. Op. Atty. Gen. 173 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-229, 1977 WL 24571

Office of the Attorney General

State of South Carolina

Opinion No. 77-229

July 21, 1977

*1 Ladson F. Howell, Esquire
Attorney at Law
P. O. Box 112
Beaufort, South Carolina 29902

Dear Mr. Howell:

You have requested an opinion from this Office as to whether or not the Beaufort County Council is authorized to provide general county funds to Hilton Head Hospital, a private, eleemosynary corporation, to be used for the payment of interest on the latter's bonded indebtedness. In my opinion, it is not so authorized.

I am enclosing copies of two recent opinions issued by this Office which concern the use of public funds by private bodies. Both opinions discuss at length the pertinent case law in South Carolina on the subject, including the most recent one, [Gilbert v. Bath](#), 267 S.C. 171, 227 S.E.2d 177 (1976). The fact that, in [Gilbert](#), in [Bolt v. Cobb](#), 225 S.C. 408, 82 S.E.2d 789 (1954), and in [Battle v. Willcox](#), 128 S.C. 500, 122 S.E. 516 (1924), all of which cases upheld the use of public funds by private hospitals, the hospitals involved were owned by public entities is, to this office, a critical factor and the one that distinguishes those authorities from the proposal with which you are faced. Another important distinction might very well be that those authorities approved the use of public funds for the construction and operation of hospitals whereas the instant matter involves assistance for the payment of already incurred obligations. Cf., [Anderson v. Baehr](#), 265 S.C. 153, 217 S.E.2d 43 (1974).

In any event, I would suggest the declaratory judgment route [§§ 15-53-10 *et seq.*, CODE OF LAWS OF SOUTH CAROLINA, 1976] as the only means by which a definitive resolution of your question can be achieved.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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