

1978 WL 34912 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 16, 1978

*1 Honorable Ralph K. Anderson, Jr.
Member
House of Representatives
Box 468
Florence, South Carolina 29501

Dear Mr. Anderson:

Your letter of April 27, 1978, requests the opinion of this Office on the validity of appropriations contained in Section 120 of the proposed 1978-79 General Appropriations Bill as adopted by the House of Representatives.

Section 120 provides a total of \$497,000.00 for 44 separate entities. The activities of these organizations cover a wide range from care of juvenile offenders to restoration of historical places. The General Assembly, of course, may make appropriations for public purposes to any extent, subject to whatever limitations may be imposed by the State or Federal Constitutions. Some of the organizations for which appropriations are made are incorporated under the laws of this State as charitable organizations, while others are not. The chartered powers of those which have secured incorporation under the laws of this State do not recite any religious or discriminatory admission policies, and so far as investigation has been permitted by the time limitations existing, it does not appear that any of the organizations not chartered by the Secretary of State are excessively entangled in religious affiliation or purpose. Nor is there any discrimination in the granting of the benefits which such organizations are designed to furnish. A number of the recipients of appropriations are clearly governmental or serve a governmental purpose, such the appropriation of monies for the payment of dues to the Council of State Governments and the National Conference of State Legislators.

In my opinion, the Legislature has no constitutional restrictions imposed upon it in making the appropriations provided in Section 120.

A more thoroughgoing search of the practices and procedures of each of the recipients of appropriations would be necessary in order to ascertain if, in fact, any excessive, religious entanglement may be involved, whether any discriminatory practices are being engaged in, or whether any appropriation may be for a distinctly private purpose, but on the basis of the record as maintained in the Office of the Secretary of State, by telephone contact with the recipients, and by consideration of the justification for the request by the various organizations made to the Budget and Control Board, it is my opinion that these appropriations are not subject to constitutional objection.

Very truly yours,

Daniel R. McLeod
Attorney General

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