

1978 WL 35252 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 1, 1978

**\*1 Re: Litter Control Act—1978**

Mr. Cecil S. Seigler  
Deputy Commissioner of Administration  
S.C. Department of Health and Environmental Control  
2600 Bull Street  
Columbia, S.C. 29201

Dear Mr. Seigler:

You have requested an opinion of this Office as to whether the Department of Health and Environmental Control (hereafter the Department) may enter into a contract for the purpose of implementing the Litter Control Act of 1978, which contract provides in pertinent part for a public educational program which includes the awarding of prizes for various litter-related contests. It is our opinion that it may.

The Litter Control Act (Act No. 496 of 1978) delegates authority to the Department ‘to conduct a continuous program to control, prevent and eliminate open dumps and litter from the State to the maximum practical extent.’ Section 3. Among other things, the Act specifically provides that funds may be used ‘for the development of public educational programs concerning litter programs.’ Section 11. Additionally, the Department is directed to cooperate with local governmental bodies to accomplish development of educational programs in the elementary and secondary school systems. Section 12(3). In implementing the provisions and purposes of the Act, it is further provided that until July 1, 1979, any contracts entered into pursuant to the Act shall not be subject to the procedural rules and regulations of any state agency. Section 5.

As I understand the situation, the Department wishes to contract with Horry County to implement certain provisions of the Act in that county. As part of that contract, it is proposed that contests be conducted in the elementary and secondary school systems of Horry County in an effort to develop and establish a public educational program concerning litter problems as provided by the Act. In that effort, specific provision is made in the contract for Horry County to conduct poster contests, essay contests, instructional units contests, and commitment contests in its public schools, all of which contests are intended and designed to contribute to the development and establishment of such a public educational program in the respective matters stated in the contract. The winners will be awarded prizes by Horry County which in turn will be reimbursed by the Department.

Since a review of the contract provisions indicates that the particular contests appear to be within the intended purposes of the Act, as previously discussed, and since the Act specifically authorizes the Department to expend funds for the development of such public educational programs, it appears that the proposed contests are within the purposes of the Act. Therefore, it is the opinion of this Office that the Department may enter into a contract for the purpose of implementing the Litter Control Act of 1978, which contract provides in part for a public educational program which includes the awarding of prizes for various litter-related contests.

**\*2** I trust the preceeding discussion adequately answers the question, however, if any further assistance is required, please feel free to contact me.

Very truly yours,

Richard P. Wilson  
Assistant Attorney General

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