

1974 S.C. Op. Atty. Gen. 339 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3904, 1974 WL 21400

Office of the Attorney General

State of South Carolina

Opinion No. 3904

December 9, 1974

***1 Funds allocated to the Charleston County Substance Abuse Commission cannot be used for other than substance abuse purposes.**

Chairman

Budget Committee

Charleston County Substance Abuse Commission

This letter is being written in reference to our telephone conversation Thursday afternoon and in reply to your written request for an Attorney General's opinion which was also received on December 5th. You have asked whether funds received by the Charleston County Substance Abuse Commission can be expended for purposes other than those related to the prevention, control and treatment of substance abuse in Charleston County. The question has arisen because numerous local agencies have requested that the Commission donate some of its funds to them.

It is the opinion of this office that the funds of the Commission can only be used for the Commission's purposes and cannot be donated to other agencies. The Act creating the Commission empowers it to 'expend moneys which it shall receive and which may be set apart to the Commission for its functions.' See Section 5 of Act No. 452, Acts and Joint Resolutions of 1973 at p. 800. Section 10 authorizes the Commission to accept gifts 'for use in furthering the purpose of the Commission.' Section 11 empowers the Commission with authority to levy a one-half mill tax on property 'for the operation of a substance abuse control program.' In addition to gifts and property tax revenue, the Commission receives revenue 'allocated to counties for educational purposes relating to the use of alcoholic liquors and the rehabilitation of alcoholics, drug abusers and drug addicts' from the sale of mini-bottles. See Act No. 362, 1973 Acts and Joint Resolutions at page 362. The Commission under Section 10 of the Act creating it is 'the only county agency or commission which is authorized to make application and receive state funds derived from the provisions of Section 5 of Act 1063 of 1972 (disposition of mini-bottle revenue).

It is therefore clear that the Commission is empowered to expend funds received by it from the aforementioned sources only in furtherance of its purposes. In this regard please see the case of [Butler v. Ellerbe](#), 44 S. C. 256, 22 S. E. 425, which sanctions the expenditure of State funds only for purposes authorized by law.

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