

1973 WL 26826 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 31, 1973

*1 Honorable Thomas E. Smith, Jr.
Senator
District 11
100 Walnut Street
Pamplico, S. C. 29583

Dear Senator Smith:

As an amendment to my letter of July 16, 1973 to you relating to annual appropriations for the Educational Television Commission and the State Board for Technical and Comprehensive Education, after reviewing the annual Appropriations Act (which I did not previously consider) I am of the opinion that the above agencies are to be considered as a part of the 'public school system of the State,' for the purposes of the Appropriation Act. (See Section 1, 1973-74 Appropriations Act.) My earlier opinion erroneously applied a strict construction to 'public school' and such an interpretation would produce an unreasonable result, especially since appropriations or revenue acts are generally to be considered liberally insofar as their purpose is concerned. 82 C.J.S. Statutes, Section 396(c) and [Hay v. Leonard 46 S.E. 2d 653 \(1948\)](#).

Furthermore, you have requested information regarding the legality of an advisory referendum. According to earlier opinions from this Office, there must be statutory authorization for an expenditure of public funds for such a purpose. Enclosed is a sample of just such legislation, authorizing an advisory referendum for the City of Barnwell. (An additional precaution would be the submission of such legislation to the Justice Department pertaining to the Voting Rights Act, to avoid any possible questions. Sincerely,

Hardwick Stuart, Jr.
Assistant Attorney General

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