1973 WL 27712 (S.C.A.G.)

Office of the Attorney General

State of South Carolina
September 4, 1973

***1 Re: Charleston County—Appropriations**

The Honorable Ben Scott Whaley
County Attorney
Charleston County
Messrs. Barnwell, Whaley, Stevenson & Patterson
Attorneys at Law
Post Office Drawer H
Charleston, South Carolina 29402

Dear Ben Scott:
Thank you for your letter of August 28, 1973, concerning the appropriation or expenditure of public funds to non-governmental or quasi-governmental agencies and programs.

I am enclosing herewith letters dated June 2, 1971, and April 13, 1971, directed to Messrs. G. P. Callison and C. Marshall Cain, respectively.

As shown by these letters, it is my view that public monies may be expended only for public purposes and that county funds must not only be expended for public purposes, but for purposes which a county is constitutionally authorized to support by funds. In this connection, it is my view also that the provisions of Article X, Section 6, of the Constitution of 1895 are still effective, irrespective of the adoption of the local government amendment and its subsequent ratification at the last session of the General Assembly. The effect of this is to still restrict counties to the purposes which were limited to them by the provisions of Article X, Section 6. It was intended that Article X, Section 6, be omitted in the amendments, but the necessary proposals were delayed in the General Assembly in 1972 because of differences over a separate provision of the proposed amendment and the means of eliminating Article X, Section 6, was therefor not submitted as a constitutional amendment. Consequently, its restrictions are still extant, in my opinion.

Under Bolt v. Cobb, 225 S.C. 408, 82 S.E.2d 789, the Supreme Court stated that counties could accomplish, through a non-profit, non-religious organization, the purposes which they could validly accomplish. In that case, a hospital association was utilized to care for charity patients.

Insofar as the Chamber of Commerce is concerned, it is clearly a private organization. See Powell v. Thomas, 214 S.C. 376, 384, 52 S.E.2d 782. This would not prevent its utilization, as it is non-profit and non-religious, but the purposes for which it may be used must be public purposes and they must be purposes which a county is authorized to enpage in. This seems the clear holding of Bolt v. Cobb.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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