

1972 WL 25935 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 18, 1972

***1 RE: Senate Amendments to Calendar H-2680**

The Honorable Gordon H. Garrett
Senator
Senator, Charleston County
87 Futledge Avenue

Dear Senator Garrett:

Section 5 of the Amendments referred to above provides:

Twenty-five percent of revenue derived under the provisions of this act shall be returned to the counties on a per capita basis, —to be used as may be determined by the county legislative delegation for educational purposes on alcohol and drug abuse or for the rehabilitation of alcoholics and drug addicts.'

You have inquired as to the validity of this provision.

In my opinion, it is invalid and an intrusion of the Legislative Branch upon the Executive Branch, in contravention of the Constitution of this State. An almost identical enactment was considered in the Supreme Court in the case of [Parker v. Bates](#), 216 S.C. 52, 56 S.E.2d 723, and subsequent cases, and was held invalid under the separation of powers provisions of the Constitution.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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