



The State of South Carolina  
**OFFICE OF THE ATTORNEY GENERAL**

CHARLES MOLONY CONDON  
 ATTORNEY GENERAL

May 8, 1995

Curtis E. Baggett  
 Veterans' Service Officer  
 McCormick County  
 Post Office Box 356  
 McCormick, South Carolina 29835

RE: Informal Opinion

Dear Mr. Baggett:

By your letter of April 11, 1995, to Attorney General Condon, you sought an opinion or advice on what procedures to follow or steps to take to remedy the situation with respect to funding for the Veterans' Affairs Office for McCormick County. You have advised that in April 1994 you received your letter appointing you to the position of Veterans' Affairs Officer, effective June 30, 1994. In April you submitted a budget to McCormick County Council for the office; you advised that council did not consider the budget you submitted and in fact cut the budget to an amount which was half of last year's budget. You feel that you and the veterans of McCormick County are being discriminated against, as no other county agency budget was cut.<sup>1</sup>

I have examined the laws relative to the Department of Veterans Affairs, S.C. Code Ann. §25-11-10 et seq. (1976, revised 1989), and have not located any laws which would provide the guidance which you seek. I have not located a local law relative to the Veterans' Affairs Officer of McCormick County and thus assume that one does not exist.

I was referred to Act No. 78 of 1945 relative to amendment of certain Code provisions relative to Veterans' Affairs Officers (formerly known as County Service

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<sup>1</sup>I understand that the problem exists with respect to funding from the county and not in receiving funding from the State of South Carolina. You have indicated that your office is receiving all of the state funding to which it is entitled.

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Officers), appropriations therefor, appointment of the county officers, and other provisions concerning veterans' affairs. One sentence in that act provided: "The funds appropriated for the use of each county in the State of South Carolina shall, immediately upon becoming available, be transmitted to the respective County Treasurers in each County in the State, and the disbursement of such fund shall be determined by the Legislative Delegation from each county." This sentence appears to provide disbursement authority to county legislative delegations but does not appear to give the delegations the authority to determine to what extent such office shall be funded or to direct a county council to appropriate a specific amount of funding for such office.

Without question, the appropriation of money is a legislative function. At the county level, that function rests with county council, as to county agencies. §4-9-140, S.C. Code Ann. (1976, revised 1986). I am of the opinion that county council has discretion to determine the extent to which a county office will be funded, in the absence of a statute reposing that responsibility in some other entity. Since the Veterans' Affairs Officer is one whose appointment is made by an authority outside county government, perhaps consideration could be given by the General Assembly to adoption of a general law specifying how appropriations for the office of the Veterans' Affairs Officer is to be accomplished. (By way of contrast, I would refer you to S.C. Code Ann. §22-8-30, requiring each county to "provide sufficient facilities and personnel for the necessary and proper operation of the magistrates' courts in that county" and §14-23-1130, requiring the governing body of each county to provide, inter alia, office space, additional support personnel, books, and the seal of the court for the probate court of that county.) Unless and until such a statute is adopted for the benefit of the counties' Veterans' Affairs Officers, appropriations will, in my opinion, remain within the discretion of each county council to handle as that body determines to be appropriate.

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I am

Sincerely,

*Patricia D. Petway*

Patricia D. Petway  
Assistant Attorney General