

1982 WL 189179 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 22, 1982

\*1 Honorable T. W. Edwards, Jr.  
House of Representatives  
Post Office Box 11867  
Columbia, South Carolina 29211

Dear Representative Edwards:

By letter of February 17, 1982, your Research Assistant, Ms. Stone-Collum, has requested in your behalf an opinion concerning reduction by the Department of Health and Environmental Control in their Cancer Program project. You advise that DHEC has made a reduction of \$359,237 in the Cancer Program to help reach a total cut of \$1,209,737 required by the Budget and Control Board in the recently ordered 2.19% operating budget reduction.

Section 37 of the 1981 Appropriations Act contains a proviso as follows:

Provided, Further, That notwithstanding any other provision of this Act, the funds appropriated herein for 'Cancer' shall not be transferred to other programs within the agency.

Your question is whether the cut in the Cancer Program, which is more than 2.19% of that program budget, would be in derogation of the proviso by, in effect, transferring money out of the program. In our opinion the cut in that program by DHEC does not constitute a transfer within the meaning of the proviso.

While it may be said that a larger cut in the Cancer Program permitted a lesser reduction in some other program, this is not a transfer of funds within the meaning of the proviso. If, as the Budget and Control Board announced, revenue collections permit return of the funds to the agencies then the Cancer funds would have to be returned to that program and not another, because of the proviso. Therefore, it could not be properly said that DHEC has 'transferred' these funds to other programs within the agency.

Sincerely,

Frank K. Sloan  
Deputy Attorney General

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