

1979 WL 42916 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 10, 1979

\*1 Mr. Edgar A. Vaughn  
State Auditor  
Wade Hampton Office Bldg  
Columbia, S. C. 29211

Dear Mr. Vaughn:

You have asked the opinion of this Office whether the current appropriations bill just reported out by the Ways and Means Committee of the House is in compliance with House Rule 5, as amended, and specifically House Rule 5.3.

The parts of the rule in question are:

‘Provided, further, that appropriations shall be itemized by the major budget classifications established pursuant to law (Personnel Service, Contractual Services, Supplies, Fixed Charges and Contributions, Contingencies, Equipment, Permanent Improvements, Debt Service, Public Assistance Payments and Distribution to Subdivisions).’

‘Provided, further, that appropriations for Personal Service shall be shown by positive category (Classified, Unclassified, Part-time or other categories which may be appropriate) and the number of employees in each such position category.’

And:

‘All State Appropriation Bills shall be printed at each stage in their passage, so as to show . . . the amounts requested by the institution or department . . .’

1. As to the first question you have invited our attention to the fact that appropriations and ‘number of employees’ are shown for the categories of classified and unclassified positions but only the appropriation figure for ‘temporary’ positions. You have further advised that data on numbers of temporary positions is not available because they change almost daily, they are for short terms, and are controlled by budget limitations. By contrast, full-time and part-time positions, classified and unclassified, are controlled by both budget and position allocations, and are so included in the bill.

In view of these facts, it is the opinion of this Office that the printed version of the current appropriations bill as reported, out by the House Ways and Means Committee is in substantial compliance with House Rule 5.3. It cannot be reasonably assumed that the intent of the house was to require printing in the appropriations bill information of a transitory or temporary nature which does not bear upon the completeness or accuracy of the bill, and which could be complete and accurate only by a survey conducted at the end of each fiscal year, such as the number of temporary employees utilized in that year.

To paraphrase the language of the proviso in question, the number of temporary employees is not ‘other categories which may be appropriate,’ because of the transitory nature of the supporting data at any one time within the fiscal year. 2. As to the second question, this Office is also of the opinion that the current appropriations bill, as reported, is in substantial compliance with the proviso requiring printing of amounts requested by the institution or department.

The annual proposed budget submitted by the State Budget and Control Board for the coming fiscal year, printed as a separate column ‘Total Funds Requested’ by each institution or department. In the present version of the appropriations bill, this item

appears as 'B & C Board Allocation Total Funds' (column 3). In the opinion of this Office, differing titles or headings to the columns does not affect compliance with House Rule 5.3, because the information required by the rule is supplied.

\*2 It may be that confusion has arisen because almost all institutions and agencies made additional requests, beyond budget allocations, to both the Budget and Control Board and to the Ways and Means Committee of the House. The fact that such additional requests may or may not be included in the bill as reported does not render the bill out of compliance with the House Rules. It may be assumed that the Ways and Means Committee would supply to the full House a list of all such additional requests, if requested by Members of the House.

We trust this opinion covers the items which you requested we examine.

Sincerely,

Frank K. Sloan  
Deputy Attorney General

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