

1976 WL 30544 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 10, 1976

*1 The General Assembly is not limited to Title 21 or the definition of public schools under Section 21-6, Code of Laws of South Carolina in allocating revenues exclusively for public school purposes.

The Honorable William H. Stroud
House of Representatives

QUESTION:

What is the meaning of the phrase 'shall be used exclusively for public school purposes' in Section 65-1401.1, Code of Laws of South Carolina (Supplement)?

AUTHORITIES:

Article 11, Section 3, South Carolina Constitution Sections 21-6 and 65-1401.1, Code of Laws of South Carolina (Supplement). 1976 Appropriations Act (1976 Act R789)

DISCUSSION:

Article 11, Section 3, South Carolina Constitution states:

The General Assembly shall provide for the maintenance and support of a system of free public schools open to all children in the State and shall establish, organize, and support such other public institutions of learning as may be desirable.

The General Assembly in Section 65-1401.1, supra., provided that the proceeds of the one-cent increase in sales and use taxes be used 'exclusively for public school purposes.'

While the General Assembly has defined 'public school' in Section 21-6, supra., the General Assembly has further acted by allocating these revenues under the General Appropriations Act, which suspends any acts inconsistent with Part I. 1976 Appropriations Act, supra., p 243. The General Assembly in Section ?? of Part I of the 1976 Appropriations Act specifies: 'Appropriations in this Act for the support of the public school system shall include the following agencies and purposes.

Department of Education;

Retirement Contributions for Public School Employees;

State Board for Technical and Comprehensive Education;

Educational Television Commission;

Opportunity School;

School for the Deaf and the Blind;

John de la Howe School;

Employee Insurance Premiums Applicable to Above Agencies;

Employer Matching—Social Security, Death and Retirement Costs Applicable to Above Agencies;

Debt Service on Capital Improvement Bonds Applicable to Above Agencies.

Premiums for Insurance for School Employees;

Debt Service on School Bonds.'

CONCLUSION:

The allocation of the funds designated for public school purposes is determined annually by the General Assembly in the annual Appropriations Act.

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