

1976 WL 30887 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 6, 1976

*1 Mr. James O. Womack
Chairman
Board of Social Worker Registration
Post Office Box 1083
Columbia, SC 29202

Dear Mr. Womack:

Attorney General McLeod referred your letter of November 5, 1976, to me for reply. You have requested an opinion as to the legality of the provision in Section 108 of the 1976 General Appropriation Act for the deposit into the State General Fund of all fees collected by the Board of Social Worker Registration. For the fiscal year 1976-77, the General Assembly appropriated to the Board an amount slightly less than the amount of the Board's deposit. Regretfully, we must advise that there is nothing illegal about this procedure. The General Assembly is under no duty to make appropriations of given amounts to any agency, except as provided in the Constitution (such as in the case of officers whose salaries shall not be reduced while they hold office). If a low appropriation appears to defeat the purposes set forth in any agency's enabling legislation, it must simply be viewed as a sort of implied repeal of that legislation by the body which originally enacted it. If the Board's appropriation was unintentionally set too low, perhaps the situation can be corrected by so advising the appropriate House and Senate committees.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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