

1975 S.C. Op. Atty. Gen. 190 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4113, 1975 WL 22409

Office of the Attorney General

State of South Carolina

Opinion No. 4113

September 10, 1975

*1 The State Law Enforcement Hall of Fame cannot borrow money from the State Sinking Fund.

TO: J. P. Strom
Chairman
Law Enforcement Hall of Fame Committee

QUESTION PRESENTED:

Can the South Carolina Hall of Fame Committee, which is statutorily funded from fine revenues pursuant to § 53-46.1, borrow money from the sinking fund?

STATUTES, CASES, ETC:

1970-71 Op. Att'y Gen., No. 3169, P. 120; 1962-63 Op. Att'y Gen., No. 1590, p. 163; Code of Laws of South Carolina, 1962, as amended, Sections 1-791, et seq., 53-46.1, 53-49, et seq., and 1-763.

DISCUSSION OF ISSUES:

Section 53-49, et seq., Code of Laws of South Carolina as amended, created the South Carolina Law-Enforcement Officers Hall of Fame. Section 53-49.2(f) limits expenditures on the Hall of Fame to the amount of funds provided. Section 53-49.3 provides that clerical assistance for the Hall of Fame shall be provided from funds made available in Section 53-46.1.

Section 53-46.1 sets up the disposition of fines levied on all criminal or traffic violations in the state and designates that 25 cents of each fine or forfeiture shall be paid over to the Hall of Fame Committee to defray the cost of erecting and maintaining the Hall of Fame.

At no place in any Code Section is the Hall of Fame Committee given the power to borrow funds, from the State Sinking Fund or elsewhere. Code Section 1-763 allows only the State Budget and Control Board to borrow money for State purposes. This language has been interpreted in 1⁹/0-71 Op. Att'y Gen., No. 3159, P. 120, to require specific statutory authorization before a state agency may borrow or lend money. The same result was reached in 1962-63 Op. Att'y Gen. No. 1590, P. 163, concerning a county's inability to borrow from the State Fund, in the absence of specific legislative authority.

Section 1-797 delineates those areas in which the Budget and Control Board can invest the State Sinking Fund. None of the areas there listed would encompass the Hall of Fame Committee, in my opinion.

CONCLUSION:

Based on the specific statutory limitation placed on funding for the Law Enforcement Hall of Fame, and in the absence of any statutory power to borrow funds, it would be improper for the Hall of Fame to borrow money from the State Sinking Fund.

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