

1974 S.C. Op. Atty. Gen. 278 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3861, 1974 WL 21362

Office of the Attorney General

State of South Carolina

Opinion No. 3861

September 20, 1974

*1 Mr. Joe Wickel

Assistant Director

Division of Administration

Edgar A. Brown State Office Building

Columbia, SC 29201

Dear Mr. Wickel:

In your letter of September 13, 1974, you request an opinion as to whether or not in the absence of specific guidance from the General Assembly, the Governor's Office may impose certain administrative regulations upon the funds given by it to the Councils of Government. In Section 5 of the General Appropriations Act, 1974-75, the General Assembly provided for \$300,000 in State aid to districts. These funds were placed in the Governor's Office budget for distribution to the ten Councils of Government, although no guidance was provided concerning the method of distribution, the amounts to be received by each, the use of said money, or the method of accounting for expenditures.

In absence of such guidelines, the Governor's Division of Administration proposes the following:

1. That each of the ten Councils of Government shall, prior to expenditure submit to the Governor's Office, Division of Administration for approval a plan for the use of these funds;
2. That the funds be distributed by contract between each district and the Division of Administration, and;
3. That a copy of the audit of these funds be submitted by each district to the Division of Administration at the conclusion of the current fiscal year.

In considering the question code, this Office must look to the authority both of the Councils of Government and the Governor's Division of Administration. Pursuant to Section 14-347 Code of Laws of South Carolina 1962 (as amended), A regional council of government may cooperate with, contract, with, and accept funds from Federal, State, or local governments, public or semi-public agencies or private individuals or corporations. It may expend such funds and it may carry out such cooperative undertakings and contracts. (Emphasis added).

The regional council of government, therefore, can be bound by the proposed guidelines, provided, that the Governor's Office has the authority to acquire them to enter into such contracts.

It is only logical that the Office of the Governor, through his Division of Administration, has the authority to regulate the money appropriated to it for expenditure by the General Assembly. In the case of [State v. Watkins, 259 S.C. 185](#) the State Supreme Court held:

The question of delegation of legislative power has confronted the courts with many perplexing problems, particularly during recent years when the complexities of government have been constantly on the increase. It is well settled that while the legislature may not delegate its power to make laws, enacting a law complete in itself, it may authorize an administrative agency or board 'to fill up the details' by prescribing rules and regulations for the complete operation

and enforcement of the law within its expressed general purpose . . . [State v. Wathins](#) 259 S.C. 185 at 202, 191 SE 2d 135 (1972).

*2 It is apparent that the Legislature has delegated to the Governor's Office under Section 5, Item 3, General Appropriation Act 1974–75, the authority to distribute funds for aid to the various Councils of Government. Under this delegation of authority the Division of Administration may impose guidelines as described above to facilitate the administration of the funds appropriated to it for distribution. Aside from facilitating appropriation of funds, such regulations serve as a protection to the Division of Administration and to the Councils of Government.

Very truly yours,

M. Elizabeth Crum
Assistant Attorney General

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