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Opinion No. 86-198

September 23, 1986

Mr. Harry Foster  
Prosecuting Attorney  
Twentieth Judicial District  
1008 Front Street  
Conway, AR 72032

Dear Prosecutor Foster:

You requested an opinion from this Office concerning the following question:

Is it legal for a County Quorum Court to use County funds from either Revenue Sharing or the General Fund, to make grants or investments, if you will, to non-profit entities such as SCAN, The Area Council on Aging, The Veterans Administration, The Red Cross, The Community Action Program for Central Arkansas, and other such organizations.

It would appear that if the non-profit entity was of the same nature as contemplated in Bourland v. Pollock, 157 Ark. 538 (1923) an appropriation would be appropriate. It should however be noted that, there appears to be a need for the underlying, if not specific purpose, to be in the nature of those activities traditionally performed by the political subdivision. See also, Art. 12, §5 of the Arkansas Constitution.

I am also enclosing for your review a copy of a recent opinion prepared for Senator James C. Scott dealing with Art. 12, §5 of the Arkansas Constitution. I hope that this opinion might also prove informative.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General Kay J. Jackson Demailly.

Sincerely,

A handwritten signature in dark ink, appearing to read "Steve Clark", written over a horizontal line.

STEVE CLARK  
Attorney General

SC/KJD/ljm  
enclosure(1)