

1983 WL 181895 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 23, 1983

\*1 Edgar A. Vaughn, Jr.  
State Auditor  
Post Office Box 11333  
Columbia, South Carolina 29211

Dear Ed:

I have reviewed the copy of the letter from the Dairy Commission dated May 3, 1983, requesting the Budget and Control Board's approval for the State Treasurer to transfer approximately \$4,200 from the 'Dairy Commission Account' to be used to cover projected deficient for this fiscal year, pursuant to [Code Section 39-33-40](#) of the 1976 Code as amended.

A review of the entire statute, Act No. 82 of 1981, makes no reference to approvals by the Budget and Control Board; however, as the Appropriation Act requires approval by the Governor and Joint Appropriations Review Committee for the expenditure of funds in excess of line item appropriation, it would seem proper for the request to be submitted to them, for the JARC's recommendation and the Governor's final approval.

While it is customary that all appropriations are combined in the General Appropriations Act each year, there is nothing in the law which prevents appropriations in separate acts, as when supplemental appropriation bills are enacted. By the plain language of [Section 39-33-40](#) 'such an amount as may be necessary, and no more, is appropriated out of this amount for the payment of all expenses incurred by the Commission . . .'. Therefore, the 'amount necessary' has been appropriated. An examination of the Appropriations Act for the current fiscal year has revealed no prohibition against such transfer. Please call if you have any questions.

Sincerely,

Frank K. Sloan  
Chief Deputy Attorney General

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