

1983 WL 181910 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 8, 1983

*1 The Honorable Rembert C. Dennis
Chairman
Senate Finance Committee
Columbia, South Carolina

The Honorable Tom G. Mangum
Chairman
House Ways and Means Committee
Columbia, South Carolina

Gentlemen:

You have asked for our comments as to whether a proposed section of the 1983-84 Appropriations Act violates [Art. III, § 36 of the South Carolina Constitution](#). That provision is as follows:

Notwithstanding any other provision of the law, the State Budget and Control Board is directed to transfer any surplus and lapsed funds from the 1982-83 fiscal year to the General Fund Reserve, and to manage and adjust the budget of State government during fiscal year 1983-84 so as to fully fund the contribution to the general fund reserve as required by [Article III, Section 36, of the Constitution of South Carolina](#).

We would advise that the proposed section presents no problem with respect to [Art. III, § 36](#).

[Article III, § 36](#) requires that specified sums of money be restored to the general reserve fund during the three years following a payment out of that reserve fund to cover a year-end operating deficit. The above-quoted language appears to meet the requirements of [Art. III, § 36](#) because it provides for application of the requisite amount of state funds and revenues to the general reserve fund as mandated by [Art. III, § 36](#).

[Article III, § 36](#) does not specify any particular manner in which the money is to be restored to the reserve fund. As a matter of general law, an appropriation need not be made by any certain words or in any particular form. [Grable v. Blackwood](#), 22 S.W. 2d 41, 44 (Ark. 1929). The section under consideration constitutes such an appropriation because it is for an ascertainable amount, [Cox v. Bates](#), 237 S.C. 198, 220, 116 S.E.2d 828, 837-38 (1960); and the amount is set aside for a particular purpose, [State ex rel Walker v. Derham](#), 61 S.C. 258, 262, 39 S.E. 379, 380 (1901).

We hope these comments will be of assistance to the Committee. We will be happy to meet with you to discuss the matter further.
Sincerely yours,

Frank K. Sloan
Chief Deputy Attorney General

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