

1978 S.C. Op. Atty. Gen. 109 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-79, 1978 WL 22560

Office of the Attorney General

State of South Carolina

Opinion No. 78-79

May 3, 1978

\*1 ‘Nonrecurring’ purposes as used in Section 11-11-120 means those purposes for which it is not anticipated that continuing, repeated appropriations will be required. It means, in the context of the statute, appropriations ‘for capital improvements or other like purposes.’

The Honorable James B. Edwards

Governor

Columbia, South Carolina

Dear Governor Edwards:

You have inquired as to the meaning of the phrase, ‘nonrecurring purposes,’ as used in Section 11–11–120 in the Code of Laws for South Carolina, as amended in 1977. This statute provides for the creation of a general fund reserve which is established at 5 percent of the general fund revenue of the preceding fiscal year. In the event of a surplus in excess of the 5 percent reserve fund, appropriations may be made by the General Assembly for (1) capital improvements or other nonrecurring purposes, (2) anticipated bond objectives for which bonds have been authorized but not issued; and (3) such other purposes as are not directly related to recurring costs of the state government.

The words, ‘nonrecurring purposes,’ do not have a fixed and definite meaning either in the statutes or in general budgetary accounting nomenclature, so far as my research indicates; instead, its plain meaning should be given effect. As used in the statute, it means those purposes for which it is not anticipated that continuing, repeated appropriations will be required. Applying a well-accepted rule of statutory construction; it means appropriations ‘for capital improvements or other like purposes.’

Very truly yours,

Daniel R. McLeod

Attorney General

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