

1975 S.C. Op. Atty. Gen. 110 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4038, 1975 WL 22335

Office of the Attorney General

State of South Carolina

Opinion No. 4038

June 23, 1975

***1 A county has two years from the end of the entitlement period to expend funds provided under P.L. 92–512 (Revenue Sharing).**

Member
House of Representatives
District No. 43

The Federal Statute provides in part (Section 123 of P. L. 92–512) as follows:

‘In order to qualify for any payment under subtitle A For any entitlement period beginning on or after January 1, 1973, a State government or unit or local government must establish (in accordance with regulations prescribed by the secretary, and, with respect to a unit of local government, after an opportunity for review and comment by the Governor of the State in which such unit is located) to the satisfaction of the Secretary that

(1) it will establish a trust fund in which it will deposit all payments it receives under subtitle A;

(2) it will use amounts in such trust fund (including any interest earned thereon while in such trust fund) during such reasonable period or periods as may be provided in such regulation.’

Section 142 of P. L. 92–512 gives the Secretary the authority to prescribe the regulations, and in a publication of the Department of the Treasury, Office of Revenue Sharing, entitled ‘Getting Involved, Your Guide to General Revenue Sharing,’ there is published on page 16 the following:

‘Recipient governments must use, obligate or appropriate their revenue sharing funds within 24 months of the end of the entitlement period for which each check was issued.’ Sec. 123(a)(2), Reg. 51.33.

The entitlement periods are set forth in Section 141 of P. L. 92–512 as follows:

‘(b) For purposes of this title, the term ‘entitlement period’ means—

(1) The period beginning January 1, 1972, and ending June 30, 1972.

(2) The period beginning July 1, 1972, and ending December 31, 1972.

(3) The period beginning January 1, 1973, and ending June 30, 1973.

(4) The one-year periods beginning on July 1 of 1973, 1974, and 1975.

(5) The period beginning July 1, 1976, and ending December 31, 1976.’

CONCLUSION

It would be necessary to know the exact period of entitlement to determine the precise date of forfeiture of the funds, however, the same would be two years after the end of the specific entitlement period.

RECOMMENDATION

At issue here is the interpretation of a Federal Statute and regulation and it is suggested that the county official confer with the Office of Revenue Sharing for a ruling so that all doubt of possible forfeiture can be eliminated.

Joe L. Allen, Jr.
Assistant Attorney General

1975 S.C. Op. Atty. Gen. 110 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4038, 1975 WL 22335