

1979 S.C. Op. Atty. Gen. 124 (S.C.A.G.), 1979 S.C. Op. Atty. Gen. No. 79-89, 1979 WL 29094

Office of the Attorney General

State of South Carolina

Opinion No. 79-89

July 5, 1979

*1 Monies may be withdrawn from General Reserve Fund upon appropriate vote by General Assembly. Article III, Section 36.

Honorable Isadore E. Lourie
State Senator
Gressette Office Building, Room 601
Columbia, South Carolina 29201

Dear Senator Lourie:

Thank you for your letter of June 19, 1979, in which you inquired whether or not it would be constitutionally permissible to withdraw funds from the Reserve Fund, created by the constitutional amendment of Act No. 649 of 1978, and allocate that money to the Highway Department.

The new article of the Constitution of South Carolina which provides for the creation of the Reserve Fund, Article 3, Section 36, mandates that the General Assembly shall provide for a General Fund reserve of 5% of the General Fund revenue of the latest fiscal year. However, the last proviso in this section states that:

Upon the approval of two-thirds of the membership of each House, the Reserve Fund, or any portion thereof, may be appropriated by act of the General Assembly for purposes other than such deficit or priority purposes.'

In view of the above-quoted proviso, Article 3, Section 36, provides no barrier to the use of funds from the Reserve Fund for Highway Department purposes as long as the requisite two-thirds approval is secured.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

July 5, 1979

TO: Member of the Senate

SUBJECT: Public funds, Reserve Fund, withdrawn upon appropriate vote by General Assembly; Legislature, Reserve Fund withdrawn upon appropriate vote by the General Assembly;

SYLLABUS: Monies may be withdrawn from General Reserve Fund upon appropriate vote by General Assembly. Article III, Section 36.

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