

1980 WL 120991 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 4, 1980

*1 Honorable William T. Putnam
Executive Director
State Budget and Control Board
212 Wade Hampton Office Building
Post Office Box 12444
Columbia, South Carolina 29211

Dear Mr. Putnam:

The State Budget and Control Board has inquired whether the provision contained in Section 3 of Act No. 518 of 1980 (Capital Improvements Bond Act) would permit the Budget and Control Board, after consulting with the Joint Bond Review Committee, to authorize issuance of bonds or bond anticipation notes for various projects in the Act which are to be funded by State Institution Bonds.

Section 3 provides:

No project or purpose authorized in this Act may be established or implemented in any way and no bonds or bond anticipation notes may be issued or sold to provide funds for any project or purpose authorized in this Act until the Budget and Control Board, after consulting with the Joint Bond Review Committee, has determined that the money market situation has stabilized to the point where bonds of the State and its institutions can be marketed successfully at reasonable rates of interest.

It is the opinion of this Office that the Board, after consulting with the Joint Bond Review Committee, may authorize issuance of bonds or bond anticipation notes for individual projects or purposes authorized in the Act, or for groups of projects, or may authorize funding of no project until it is determined that all projects and purposes may be funded.

The reference in Section 3 to general stabilization of the money market appears to indicate an intent that no project is to be released from the 'freeze' until the market situation would justify releasing all projects. However, the words 'project or purpose' are used in the singular in both the first and third lines of the Section. Therefore, application of the ordinary rules of statutory construction lead to the result that each project or purpose authorized in the Act may be treated separately. This interpretation is controlling in the absence of specific language stating that no project may be released until all are released.

Therefore, the Board, after consulting with the Joint Bond Review Committee, may authorize the issuance of bonds or bond anticipation notes for individual projects, for groups of related projects such as those to be funded by State Institution Bonds, or may determine to approve no projects until all may be approved.

Yours very truly,

Frank K. Sloan
Deputy Attorney General

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