

1979 S.C. Op. Atty. Gen. 124 (S.C.A.G.), 1979 S.C. Op. Atty. Gen. No. 79-90, 1979 WL 29095

Office of the Attorney General

State of South Carolina

Opinion No. 79-90

July 9, 1979

\*1 General Assembly may provide for purchase of an aircraft by an agency from bond proceeds by amendment to Capital Improvement Bond Act.

Honorable Larry H. Brinker  
Member  
House of Representatives  
6 Oakdale Place  
Charleston, South Carolina 29407

Dear Mr. Brinker:

Thank you for your letter of July 3, 1979, requesting the opinion of this Office on the legality of the funding of the purchase of a new jet aircraft by the State Development Board through the Capital Improvement Bond Bill.

In my opinion, no provision of the Capital Improvement Bond Act would be violated by the funding of an aircraft by this means. Section 3(g) of the original Act of 1968 provides that authorization for expenditure of bond proceeds may be made for 'such other purposes' as the General Assembly may, from time to time, specify, either by acts amendatory to this act or by special statutes. Additionally, it does not appear that the proceeds of bonds issued in accordance with the act are necessarily restricted to capital improvements as that term is normally used, although from a cursory examination of past authorizations, it appears that in nearly all instances, the proceeds of the bonds have been for capital improvements.

With best wishes,  
Very truly yours,

Daniel R. McLeod  
Attorney General

P.S. I find that in 1973 (Act No. 249) similar amendments were made to the State Capital Improvement Bond Act to authorize the expenditure of \$985,000 for 'purchase of replacement airplane.' This prior legislative construction strengthens the conclusions set forth in my letter to you.

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