

1976 S.C. Op. Atty. Gen. 351 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4495, 1976 WL 23112

Office of the Attorney General

State of South Carolina

Opinion No. 4495

October 18, 1976

*1 The proviso appearing as the fourth full paragraph on page 70 of the 1976–77 Appropriations Act would allow funds carried forward in the Maintenance Shop Operation Account to be used for the purchase of school buses.

TO: William T. Putnam
State Auditor

QUESTION PRESENTED:

Would the proviso appearing on page 70 of the 1976–77 Appropriations Bill allow funds carried forward in the Maintenance Shop Operation Account to be used for the purchase of school buses?

STATUTES, CASES, ETC:

1976–77 Appropriations Act for the State of South Carolina, Section 31;

South Carolina Constitution, Article 11, Section 1; Code of Laws of South Carolina, 1962, as amended, Section 21–45;

[State v. Patterson](#), 261 S. C. 362, 200 S. E. 2d 68;

[Dependent School District v. Williamson](#), — Okl. —, 325 P. 2d 1045;

[Burke v. Oates](#), 293 Ky. 563, 169 S. W. 2d 608;

DISCUSSION OF ISSUES:

A proviso appearing on page 70 of the 1976–77 South Carolina Appropriations Bill reads as follows:
Provided, Further, That any balance on June 30, 1976 in the appropriations for Maintenance Shop Operations may be carried forward and budgeted for the purposes of Shop Construction and/or repairs and equipment during the next fiscal year.

The question is whether or not the term ‘equipment’ as used in this proviso is broad enough to include school buses.

The Constitution of South Carolina Article 11, Section 1, creates the State Board of Education and grants it ‘such powers and duties as the General Assembly shall specify by law.’ These duties are outlined in Code of Laws of South Carolina, 1962, as amended, Section 21–45, and are broadly drawn to grant the State Board discretion in dealing with educational matters.

Pursuant to its constitutional and statutory powers, the State Board has determined that funds currently in the Maintenance Shop Operations Account can most profitably and beneficially be used for the purchase of school buses.

Such a use for these funds is proper under Section 31 of the Appropriations Act, and the inclusion of school buses under the definition of ‘equipment’ finds support in the language of Section 31. Part of Section 31 is captioned ‘Transportation’, and under this heading is a sub-heading entitled ‘Equipment’. ‘Equipment’ is broken down into two divisions as follows:
Office Equipment \$2,500.00

Motor Vehicles and Equipment:
School Bus Purchases \$6,159,239.00

Therefore, the General Assembly has used the term ‘equipment’ to specifically include school buses in Section 31 of the Appropriations Act. Such a definition of the term in a prior portion of the Section is indicative of the intended definition of the word ‘equipment’ when it later appears on page 70 of the same Section.

Under the principle of *ejusdem generis*, general words in a statute must be construed in context. The meaning of such general words may be restricted by words of specification which precede them in a statute. See [State v. Patterson](#), 261 S. C. 362, 200 S. E. 2d 68, and [Burke v. Oates](#), 293 Ky. 563, 169 S. W. 2d 608. Therefore, the prior use of school buses as a sub-classification of equipment, shows that the latter general reference to equipment would logically include school buses as a type of equipment.

*2 The term ‘equipment’ is a very general term, but it has been held to include school transportation equipment. See [Dependent School District v. Williamson](#), — Okl. —, 325 P. 2d 1045.

CONCLUSION:

Based on the broad general powers of the State Board of Education to carry out the purposes and objectives of the Constitution and laws of this State, and based on generally accepted principles of statutory interpretation, the State Board of Education could authorize the expenditure of funds carried forward in the Maintenance Shop Operations account for the purchase of school buses.

George C. Beighley
Assistant Attorney General

1976 S.C. Op. Atty. Gen. 351 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4495, 1976 WL 23112