

1975 WL 29656 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1975

***1 Re: Purchase and Lease of Cessna Aircraft**

Mr. John W. Hamilton
Director
South Carolina Aeronautics Commission
Post Office Box 1769
Columbia, SC 29202

Dear Mr. Hamilton:

You have requested an opinion from this Office as to whether or not the South Carolina Aeronautics Commission can lease a certain aircraft, Cessna 210-N-30645—Serial No. 210-59950, to the National Headquarters Civil Air Patrol. It is the opinion of this Office that to fulfill the State's obligations under SARDA and the 'State Civil Defense and Disaster Control Law,' Sections 34-11, et seq., CODE OF LAWS OF SOUTH CAROLINA (1962) (As amended) the Aeronautics Commission has the authority to lease said aircraft to the National Wing Civil Air Patrol.

A question related to the lease of this aircraft is whether or not the South Carolina Aeronautics Commission has the authority to assume the Civil Air Patrol's two installments contracts, each being sixty installments. One contract dated July 13, 1973, with the Montclair National Bank and Trust Company for a Cessna Centuriall, Registration No. N-30645 and Serial No. 210-59950 is for sixty monthly installments of \$944.70 each. There are forty monthly payments remaining on this contract. The second contract dated December 20, 1973, with the First American National Bank of Nashville, Tennessee, is for the chattel deed of trust of one Cessna Commuter 150, N-19450 to be paid in sixty monthly installments of \$187.36. There are forty-four monthly installments remaining on this contract.

On September 30, 1974, you obtained an opinion requested by State Treasurer Grady L. Patterson, from this Office as to the validity of assuming payments for the South Carolina Wing of the Civil Air Patrol on the above referred to aircrafts. This opinion erroneously stated that ' . . . under the existing law you have the authority to fund continuing obligations under this Civil Air Patrol, and accordingly it is apparent that these aircraft purchases, and the payments for such purchases, should be construed as a continuing obligation.' This opinion is, however, contrary to the express provisions under 1974-75 General Appropriation Act, 58 STAT. 2404 at 2577 (1974) (Emphasis supplied). This Act provides: 'The Director shall not obligate the State for a period to exceed one year of the budget of this Act.' By a specific mandate the State Legislature has prohibited the Aeronautics Commission from entering into any contractual obligation which attempts to bind the State longer than June 30, 1975. It is the opinion of this Office, therefore, that if the Aeronautics Commission has the funds to do so, it should pay off the debts incurred by assumption of the installment contracts for the two Cessna aircrafts on or before June 30, 1975. There is no legal obligation upon the State of South Carolina to continue installment payments for these two aircrafts after June 30, 1975. I have spoken with Attorney General McLeod and he concurs with this opinion.

Yours very truly,

***2 M. Elizabeth Crum**
Assistant Attorney General

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