

# The State of South Carolina



## Office of the Attorney General

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December 3, 1986

The Honorable Horace C. Smith  
Member, South Carolina Senate  
Post Office Box 1144  
Spartanburg, South Carolina 29301

Dear Senator Smith:

You have requested an opinion as to whether existing statutes authorize the Department of Parole and Community Corrections to fund the construction of a 60-bed Midlands Restitution Center. The proposed facility would cost approximately \$350,000 and would consist of renovating a 3,000 square-foot former warden's residence at Manning Correctional Institution and adding a new facility of 7,000 square feet at the same site. The entire facility would be leased from the Department of Corrections for \$1 a year.

§ 24-21-485, South Carolina Code of 1976, as amended by Section 5 of Act No. 462 of 1986 (the Omnibus Crime Act), authorizes the Department of Parole and Community Corrections to establish restitution centers through such means as leasing buildings or the funding of "such other management options as may be advantageous to the State..." § 24-21-485(2).

The \$350,000 would be taken from an appropriation of \$1,248,722 in the Department's 1986-87 budget. This amount is listed in the 1986-87 General Appropriations Act as being for "Permanent Improvements: Other Capital Outlay Costs." The Appropriations Act contains nothing more specific as to the use of these funds. No other legislative history could be found which provided further detail concerning these funds.

The terms of the above-quoted heading from the Appropriations Act do not limit the funds' use to the leasing of facilities; indeed, by referring to capital outlays for permanent improvements, the Act would seem to envision uses of the funds such as proposed in this instance. Moreover, § 24-21-485 does not limit the Parole Board to leasing buildings, but specifically

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mentions the funding of other management options. For either or both of the above reasons, it is the opinion of this Office that the funds in question may be used in the manner proposed.

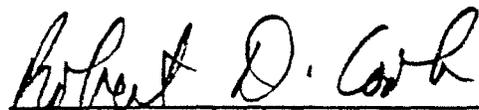
Sincerely yours,



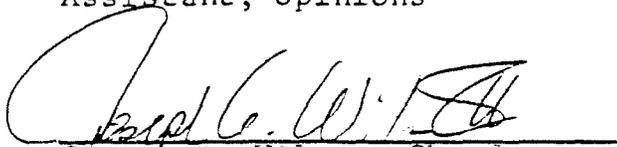
Kenneth P. Woodington  
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Reviewed and approved:



Robert D. Cook, Executive  
Assistant, Opinions



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