

1977 S.C. Op. Atty. Gen. 32 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-27, 1977 WL 24370

Office of the Attorney General

State of South Carolina

Opinion No. 77-27

January 21, 1977

*1 Mr. Paul H. Infinger

Attorney

Division of General Services

300 Gervais Street

Columbia, South Carolina 29201

Dear Mr. Infinger:

You have requested my opinion as to the authority for the execution by the South Carolina Employment Security Commission of a document styled 'Amortization Agreement', the said agreement to be entered into between the Commission and the State Budget and Control Board.

The agreement concerns the building erected by the State of South Carolina and now occupied by the Commission. It recites essentially that the original cost of the building would be amortized by rental payments to be paid by the Commission from payments made to the Commission by the Manpower Administration of the United States Department of Labor as rental for the space occupied by the Commission.

It is my opinion that the parties thereto possess the authority for the execution of such an agreement.

The building in question was erected pursuant to the authority granted by Act No. 354, Part II, Section 3, Item 23, enacted by the General Assembly in 1973 (1973 Acts 626). This Act authorized the issuance of Capital Improvement Bonds for certain designated purposes, among them being:

'Provided, That the issuance of bonds above authorized for an administrative building is conditioned on an agreement with the appropriate Federal authorities under which Federal funds will be available to cover the retirement of the bond.'

The authority for the execution of the Amortization Agreement is, in my opinion, found in Section 1-49.5 of the Code of Laws for South Carolina, as amended, a copy of which is hereto attached. This Act authorizes State agencies to enter into written agreements with other State agencies to insure that the purposes and functions of comprehensive development programs can be more effectively and efficiently implemented.

Further authority is found in the case of [Beard-Laney, Inc. v. Darby](#), 213 S.C. 380, 49 S.E.2d 564.

Additionally, I am enclosing a copy of an opinion of this Office dated March 11, 1966, (1966 Attorney General's Opinions 49), which relates to the authority of public entities to enter into agreements extending beyond the term of a majority of the members of such entity when such agreements are necessary to carry out governmental functions.

I am therefore of the opinion that the Amortization Agreement referred to can validly be executed by the State Budget and Control Board and the South Carolina Employment Security Commission. Execution of such a document should be by the chairmen of the respective boards, attested to by the Secretary of the State Budget and Control Board and by the Executive Director of the Employment Security Commission. Authorization for the execution of these instruments should be entered in the Minutes at a duly called meeting of each body.

Very truly yours,

Daniel R. McLeod
Attorney General

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