

1982 WL 189125 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 5, 1982

\*1 Mr. William T. Putnam  
Executive Director  
State Budget and Control Board  
Wade Hampton Office Building  
Columbia, South Carolina

Dear Mr. Putnam:

The Budget and Control Board, at the request of Mr. Mike Copeland, has asked this Office for an opinion as to the proper manner for the Board to comply with Section 4 of Act No. 179 of 1981, and specifically whether the duty therein provided may be delegated by the Board to the Director of the Division of General Services.

Section 4 of the Act is intended to provide a means for keeping costs down even though capital improvements may be constructed. In accord with this intent, subsection (a) provides that no permanent improvement project financed by capital improvement funds may be implemented unless 'the chairman of the governing board or commission of the involved agency or institution and its chief executive officer certify in writing to the State Auditor, the Budget and Control Board and the Joint Bond Review Committee that no additional operating costs and no additional personnel will be required . . .'

When capital improvements are constructed by the Board through the Division of General Services, 'the chairman of the governing board' is the Governor and 'chief executive officer' is the Director of the Division of General Services. There is no authority expressed or implied in the Act for these duties to be delegated.

Therefore it is the opinion of this Office that the required certification must be made in writing and signed by the Governor and the Director of the Division of General Services when capital improvement bond funds are to be used by the Board to construct facilities.

Sincerely,

Frank K. Sloan  
Deputy-Attorney General

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