

1982 WL 189514 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 20, 1982

*1 John W. Foster, Esquire
Attorney at Law
Post Office Box 11598
Columbia, South Carolina 29211

Dear Mr. Foster:

In response to your request for an opinion from this Office regarding a proposed industrial revenue bond issue for an industrial park project, my opinion is that such a project is permissible under §§ 4-29-10 *et seq.*, CODE OF LAWS OF SOUTH CAROLINA, 1976 (Cum.Supp.), the 'Industrial Revenue Bond Act,' as hereinbelow set forth.

As I understand the project, it will consist of an-industrial park with industrial/warehouse buildings and with a maintenance and office facility for M. B. Kahn Construction Company, Inc. The Kahn facilities will be divided equally between the maintenance and office building portions and will amount to one-fourth of the total project. Before the decision in [State, ex rel. McLeod v. Riley](#), 276 S.C. 323, 278 S.E.2d 612 (1981), the State Budget and Control Board had often approved projects that included office facilities so long as those facilities did not constitute a major portion of the total project. Indeed, the pre-1980 definition of 'project' expressly includes 'office facilities and furnishings.' § 4-29-10(3), CODE OF LAWS OF SOUTH CAROLINA, 1976, as amended. In my opinion, the [Riley](#) holding invalidates only those projects that consist wholly (or primarily) of office buildings and does not invalidate office facilities which constitute less than a major portion of otherwise permissible projects. Inasmuch as the Kahn facilities comprise only one-fourth of the total project and the office building portion of those facilities comprises only one-half thereof, my opinion is that the proposed project is one which can be financed with industrial revenue bonds.

With kind regards,

Karen LeCraft Henderson
Deputy Attorney General

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