

1980 WL 120738 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 24, 1980

***1 RE: Requested Attorney General's Opinion**

Honorable T. Ed Garrison
Route 2
Anderson, South Carolina 29621

Dear Senator Garrison:

This will acknowledge receipt of your letter of June 17, 1980, which the Attorney General has forwarded to me for consideration and reply. In your letter, you ask whether there is any special provision of law, allowing 'construction bonds accounts' to be used for maintenance purposes in the several school districts in Anderson County.

My review of the Code of Laws of South Carolina, 1976, as amended, has not revealed any special provision, generally allowing the use of public funds, contained in construction bonds accounts, to be used for maintenance purposes. There is no question in this state that the proceeds from the sale of public bonds may only be expended in accordance with the legislation authorizing such sale. Therefore, in order to determine the answer to your question, reference would have to be made to a specific bond account. Without reference to a specific bond account, I can give no further specific answer.

One example of a specific bond authorizing statute is the 'School Bond Act', [§ 59-71-10, et seq., Code of Laws of South Carolina](#), 1976. Should the bonds in question generate revenue pursuant to the 'School Bond Act' (and in conformance with Art. X, § 15, Constitution of South Carolina, 1895, as amended; and § 11-25-630), the monies in such construction bonds accounts should most probably not be used for school maintenance. The 'School Bond Act' at § 59-71-30 states, 'The authorities of any operating school unit may issue general obligation bonds of such operating school unit for the purpose of defraying the cost of capital improvements to any amount not exceeding the constitutional debt limitation' The Act specifically defines 'capital improvements' as follows:

The term '[capital improvements](#)' shall mean the construction, improving, equipping, renovating and repairing of school buildings or other school facilities or the cost of the acquisition of land whereon to construct or establish such school facilities. . . .

Thus, routine school maintenance does not appear to come within the term 'capital improvements', insofar as this particular bond legislation is concerned.

Please do not hesitate to call upon me if you have any further questions concerning this matter.

With kindest regards,
Sincerely,

Paul S. League
Assistant Attorney General

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