

1977 S.C. Op. Atty. Gen. 132 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-159, 1977 WL 24501

Office of the Attorney General

State of South Carolina

Opinion No. 77-159

May 20, 1977

\*1 Mr. Paul H. Infinger

Attorney

Division of General Services

300 Gervais Street

Columbia, South Carolina 2920

Dear Mr. Infinger:

Section 17 of the 1972 General Appropriations Act authorizes the Budget and Control Board to ‘borrow from the Insurance Sinking Fund a sum not exceeding \$4,500,000.00 for planning and construction of a new State office building or buildings.’

The building now occupied by the Employment Security Commission has been erected on lands belonging to the City of Columbia under an agreement pursuant to which the State was given authority to construct a building thereon and that the State would either (1) convey to the City of Columbia lands of the value of \$300,000.00 or (2) pay the City of Columbia the sum of \$300,000.00.

The funds which the Budget and Control Board was authorized to borrow by the General Appropriations Act have been expended in part in the construction of a State office building and the question presented by you is whether the Budget and Control Board may authorize the expenditure of the remaining amount for the purpose of fulfilling the agreement with the City by the payment of \$300,000.00.

The planning and construction of a building or building does not simply mean the manual labor or mechanical work involved in such an undertaking but includes the providing of all things necessary to effect the creation and existence of such a structure. That would be the plans and specifications, the underlying land or building site, the cement, steel appurtenances, and other materials. WORDS AND PHRASES Construction pp. 475, et seq.; [Miller v. Cornell-Young Co., et al.](#), 171 S.E. 790, 171 S.C. 228 (1933).

The funds remaining from the sum authorized to be borrowed may be used for the purposes requested or may be utilized for the construction of additional office buildings. The authority granted to the Budget and Control Board is not, in my opinion, limited to the construction of one single building and the cost of construction of a building would necessarily include the cost of the lands upon which the building is to be built.

Very truly yours,

Daniel R. McLeod

Attorney General

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