

1978 WL 35013 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 4, 1978

*1 The Honorable Solomon Blatt, Sr.
Speaker Emeritus
South Carolina House of Representatives
Post Office Box 365
Barnwell, South Carolina 29812

Dear Mr. Blatt:

This is in response to your recent request concerning the validity of using South Carolina Highway Department 'C-funds' for the resurfacing of airport runways owned by airport authorities or counties. It is the opinion of this Office that these funds cannot be expended for such a purpose.

The so-called 'C-funds' are composed of moneys accruing under the provisions of [§ 12-27-240 of the South Carolina Code \(1976\)](#). [Section 12-27-400 of the Code](#) provides that 'moneys collected by the [Tax] Commission pursuant to the provisions of [§ 12-27-240](#) shall be deposited with the State Treasurer and expended on the State Highway Secondary System for construction, improvements, and maintenance . . .'. [Section 57-5-760 of the Code](#) states that '[t]he State Highway Department is hereby authorized to enter into reimbursement agreements with the several counties of the State for the construction of farm-to-market and secondary roads financed through the issuance of bonds and reimbursed from funds accruing under the provisions of [§ 12-27-400](#).' It is readily apparent that airport runways cannot be construed as 'farm-to-market and secondary roads' and, thus the use of 'C-funds' for such purposes has no statutory sanction.

Kindest personal regards,

C. Tolbert Goolsby, Jr.
Deputy Attorney General

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