

1973 WL 26921 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 11, 1973

*1 Charles D. Barnett, Ph.D.
Commissioner
Department of Mental Retardation
2414 Bull Street
Columbia, South Carolina 29201

Dear Chuck:

I regret that I have not heretofore responded to your letter of August 23 concerning the capital improvement bonding authority of your Department under Act No. 1087 of 1970.

The provision of Section 2 (pertinent part) Part III of the 1973-74 Appropriations Act directs the Budget and Control Board to regulate the bonds issued in the section, together with the issuance of any bonds previously authorized but not yet issued so that the amount estimated during the fiscal year 1973-74 shall not exceed \$35.0 million. The section amends Act No. 1377 of 1968 among others which relate to the aggregate principal indebtedness that may be incurred by various boards and commissions, including the Department of Mental Retardation, but this authorization is immediately followed with the direction to the Budget and Control Board to impose for the current fiscal year the \$35.0 million limitation referred to. The section imposes also a limitation of \$250.0 million upon capital improvement bonds outstanding at any one time. This in my opinion clearly authorizes the limitation referred to for the current fiscal year.

I am unable to state whether this was the general understanding of each member of the General Assembly, but I am informed by Pat Smith that it was a full discussion of this matter properly before the Finance Committee and such discussion was had particularly with Subsection 4, which imposes the \$35.0 million limitation, with the explanation that there would be some total overall control of the State's total bond indebtedness at a given time and control of any new issues, whether currently authorized or previously authorized and not issued. The Budget and Control Board's position, I think is correct. If there is any further consideration you wish me to give the problem, please advise.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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