



HENRY McMASTER
ATTORNEY GENERAL

February 16, 2010

The Honorable Phil P. Leventis
Senator, District No. 35
P. O. Box 142
Columbia, South Carolina 29202

Dear Senator Leventis:

In a letter to this office you referenced the provisions of Act No. 155 of 2007 and have questioned whether such Act defines the lines of Sumter County School Districts 2 and 17 for tax, attendance and election purposes. The provisions of such Act are as follows:

SECTION 1. Section 2A of Act 620 of 1992, as added by Act 466 of 2002, is amended to read:

"Section 2A. There are created seven defined single-member election districts from which members of the Board of Trustees of Sumter County School District 2 are elected. Members must be elected from the seven election districts by the qualified electors of that district which are shown on the official map designated as S-85-02-07 prepared by and on file with the Office of Research and Statistics of the State Budget and Control Board. The Office of Research and Statistics of the State Budget and Control Board shall provide an official copy of the map to the school district and the Sumter County Board of Elections and Registration. The official map must not be changed except by an act of the General Assembly or by a court of competent jurisdiction."

SECTION 2. Section 2A of Act 741 of 1990, as added by Act 468 of 2002, is amended to read:

"Section 2A. There are created seven defined single-member election districts from which members of the Board of Trustees of Sumter County School District 17 are elected. Members must be elected from the seven election districts by the qualified electors of that district which are shown on the official map designated as S-85-17-07 prepared by and on file with the Office of Research and Statistics of the State Budget and Control Board. The Office of Research and Statistics of the State Budget and Control Board shall provide an official copy of the map to the school district and the Sumter County Board of Elections and Registration. The official map must not be changed except by an act of the General Assembly or by a court of competent jurisdiction."

The act took effect upon approval by the Governor on June 8, 2007.

Subsequent to the passage of such Act, other legislation has been enacted pertaining to Sumter County School Districts 2 and 17. Act No. 387 of 2008 calls for the abolishment of School Districts 2 and 17 on July 1, 2011 and the election of a new board of trustees at the same time as the general election of 2010. It also calls for the creation of a Sumter Consolidation Transition Committee to coordinate the consolidation of Districts 2 and 17. Act No. 388 of 2008 prohibits these school districts from entering into contracts to construct buildings or otherwise improve real property at a cost of five hundred thousand dollars or more without approval of the Sumter Consolidation Transition Committee established by Act No. 387 of 2008. Act No. 112 of 2009 also makes provisions regarding members of the Sumter Consolidation Transition Committee.

An opinion of this office dated September 15, 2005 dealt with legislation, Acts Nos. 466 and 468 of 2002, which reapportioned election districts in both Districts 2 and 17. The question was raised as to whether in enacting this legislation reapportioning the election districts in both districts were the school district lines themselves changed. The opinion stated as follows:

Acts Nos. 466 and 468 do not themselves specifically refer to the boundary lines for Districts 2 and 17. However, in establishing the reapportioned election districts there was no provision stating that the boundary lines of Districts 2 and 17 were themselves not altered. I have been informed that in many instances in legislation dealing with the clarification or alteration of boundary lines for election districts of a particular school district the following type language was inserted:

The boundaries of...(a particular school district)...are not altered by the provisions of this act. These school district lines are as defined by

The Honorable Phil P. Leventis

Page 3

February 16, 2010

law and any census blocks which may be divided are done so only for statistical purposes and to establish a population base.

No such language was included in Acts Nos. 466 and 468 dealing with the Sumter school districts.

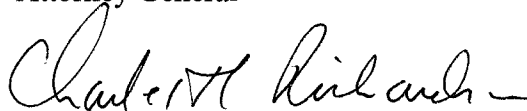
Inasmuch as there has been no expression of legislative intent that the school district lines for Sumter Districts 2 and 17 were not to be altered by the reapportioned election district lines within such districts, it is the opinion of this office that the district lines for Districts 2 and 17 should be considered altered so as to conform to the reapportioned election district lines. Therefore, I agree with your conclusion that the district lines for these districts have been changed.

Similarly, with the passage of Act No. 155 of 2007, I am unaware of any expression of legislative intent that the boundary lines for Districts 2 and 17 were not also altered. Therefore, it appears that district lines were established by Act No. 155. As a result, in the opinion of this office, subject to any relevant provisions of Acts Nos. 387 of 2008, 388 of 2008 and 112 of 2009 pertaining to School Districts 2 and 17, Act No. 155 of 2007 presently defines the lines of Sumter County School Districts 2 and 17 for tax, attendance and election purposes.

If there are any questions, please advise.

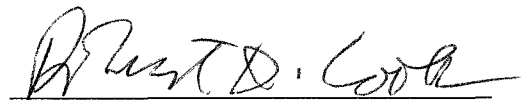
Sincerely,

Henry McMaster
Attorney General



By: Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Deputy Attorney General