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The State of South Carolina  
**OFFICE OF THE ATTORNEY GENERAL**

CHARLIE CONDON  
ATTORNEY GENERAL

August 16, 2000

The Honorable Ronald P. Townsend  
Chairman, Anderson County Legislative Delegation  
2328 Wright School Road  
Anderson, SC 29621

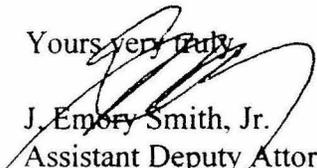
Dear Representative Townsend:

You have requested an informal opinion regarding the authority of the Anderson County legislative delegation to require the Anderson County Treasury to increase county wide millage and specify how the revenue must be distributed. A number of statutory provisions address taxation and budgets for Anderson County Schools. *See, eg* Act No. 581, 1994 S.C. Acts 6025; Act 269, 1989 S.C. Acts 1655; Act. No. 510, 1982 S.C. Acts 3420. Regardless of whether the delegation would have such authority under the terms of the above statutes or other provisions, a number of prior opinions of this Office, citing South Carolina Supreme Court cases, have concluded that the authority of other delegations over such school tax matters is of doubtful constitutionality. *Ops. Atty. Gen. (January 12, 1995; December 7, 1987; December 7, 1987; December 2, 1987)*. These opinions indicate that, if presented with the issue, a Court would most probably find that the Anderson County legislative delegation cannot constitutionally act to increase local school tax millage.

This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific questions asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

If you have further questions, please let me know.

Yours very truly

  
J. Emory Smith, Jr.  
Assistant Deputy Attorney General

*Request Letter*