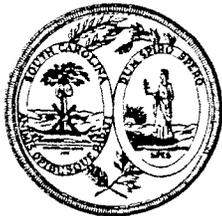


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The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON  
ATTORNEY GENERAL

October 25, 2000

The Honorable Hugh K. Leatherman, Sr.  
Member, South Carolina Senate  
1817 Pineland Avenue  
Florence, SC 29501

Dear Senator Leatherman:

You have requested advice as to a number of questions from a constituent regarding the sale or lease of surplus school property. No State law appears to require a bidding procedure for such matters, but I enclose copies of a few provisions that may provide some general information regarding sales and leases. S.C. Code Ann. §59-23-310 (1990) addresses the conveyance of school buildings no longer needed for school purposes. See also §§ 59-23-320 and 59-19-190. Section 59-19-250 addresses the sale of real or personal school property and includes provisions for the approval of such sales. Section 59-19-125 (Supp. 1999) addresses the leasing of school property.

I suggest that the constituent also contact the school district or county where the property is located to determine if either body has any written procedures re sales or leases of property including information about who would sign leases. The constituent also refers to an SCSBA document. If the document originated from the South Carolina School Boards Association, he may want to inquire with that organization.

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.

I hope that this information is of assistance.

Yours very truly,

J. Emory Smith, Jr.  
Assistant Deputy Attorney General

Enclosures

Request Letter