

The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

October 30, 1995

The Honorable Joe Wilson
Senator, Lexington County
P.O. Box 142
Columbia, South Carolina 29202

Dear Senator Wilson:

You have requested the advice of this Office as to the applicability of S.C. Code Ann., § 59-19-250 (1976) to Lexington County School District Four. This statute provides, in part, as follows:

The school trustees of the several districts may sell or lease school property, real or personal, in their school district whenever they deem it expedient to do so and apply the proceeds of any such sale or lease to the school fund of the district. The consent of the county board of education or, in those counties which do not have a county board of education, the governing body of the county, shall be first obtained by the trustees desiring to make any such sale or lease....

This statute appears to apply to the school district, and I have located no exception to its terms in the local laws for that district See Ops. Atty. Gen. (November 14, 1984, March 13, 1979). If the property consists of a school building which is no longer needed for school purposes, then § 59-23-310 applies (Ops. Atty. Gen. April 10, 1979); however, §59-23-310 expressly makes the conveyance of such property in fee simple subject to compliance with § 59-19-250.

I also note that § 59-19-190 requires the approval of the State Board of Education for the "...reassignment or disposal of [parcels of land acquired for public school purposes] after 1952 with any State funds...." See Ops. Atty. Gen. (July 11, 1980). I do not know whether the property in question falls under these terms of §59-19-190.

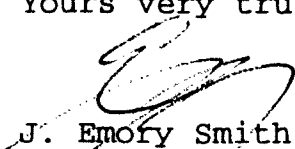
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The letter that you attach indicates a question about whether a transaction covered by § 59-19-250 must be for fair market value. Opinions of this Office issued in the 1970's held that property may not be donated under this provision, but they state that fair market value is not required for the transaction. (Ops. Atty. Gen. March 9, 1977 and July 2, 1975).

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 to you.

Yours very truly,



J. Emory Smith, Jr.
Assistant Deputy Attorney General

JESjr.