



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
 ATTORNEY GENERAL

December 15, 1996

J. Mark Hayes, Esquire
 Harrison and Hayes
 P.O. Box 5367
 Spartanburg, S.C. 29304

Dear Mark:

You have requested the advice of this Office as to the whether provisions of Act No. 189, 1995 S.C. Acts 1561 exempt Spartanburg County school districts from obtaining the consent of the Spartanburg County Board of Education or County Council pursuant to § 59-19-250 (1990) before selling district property. Your conclusion is that the districts are exempt from obtaining this consent, and I concur for the reasons set forth below.

Section 2 of Act 189 provides in part, as follows:

The Spartanburg County Board...is empowered to [exercise the enumerated powers]. All other powers, if any, formerly possessed by the County Board...are devolved and otherwise allocated, upon the seven boards of trustees of the local districts of Spartanburg County....

Section 1 of the Act states that the boards of trustees for the Spartanburg County school districts "...are vested and allocated with total fiscal autonomy."

Section 59-19-250 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....(emphasis added)


J. Mark Hayes, Esquire
December 15, 1996
Page 2

None of the powers of the County Board enumerated in Act 189 relate to the sale of district property. Because all other powers are devolved upon or allocated among the districts, the approval of the County Board under §59-19-250 is no longer necessary under a plain reading of these statutes.¹ Given that the school districts "have total fiscal autonomy" under Act 189, the legislature also appears to have intended to exempt the school districts from obtaining the approval of the county council under §59-19-250.²

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.

¹ The "...primary function in interpreting a statute is to ascertain the intention of the legislature...." Where the terms of a statute are clear and unambiguous, there is no room for interpretation, and we must apply them according to their literal meaning. South Carolina Department of Highways and Public Transportation v. Dickinson, 288 S.C. 134, 341 S.E. 2d 134 (1986).

² "General and specific statutes should be read together and harmonized if possible. But to the extent of any conflict between the two, the special statute must prevail." Criterion Insurance Co. v. Hoffman, 258 S.C. 282, 188 S.E. 2d 459 (1972); Ops. Atty. Gen. (7-12-85).