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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

August 5, 1997

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

Dear Mark:

You have requested advice as to whether the Spartanburg County School Districts have been devolved the power to levy taxes to pay for multi-district agreements. Act No. 189, 1995 S.C. Acts 1561 provides in part, as follows:

The Spartanburg County Board...is empowered to [exercise the enumerated powers which relate to distribution of "minimum foundation program money" to the Spartanburg School Districts and to employ a secretary]. 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....

Also relating to your question is Act No. 299, 1989 S.C. Acts 1700 which states as follows:

...The Spartanburg County Board of Education is authorized to set separate tax levies to fund school-age educational programs where multi-district agreements are approved by local districts.

Specifically, your question is whether the Act 299 powers have been devolved upon the District by Act 189.

None of the enumerated powers of the County Board in Act 189 appear to include the matter at issue. The "separate tax levy" of Act 299 does not appear to relate to the "minimum foundation program money" of Act 189. See Act No. 186, 1963 S.C. Acts 218.

J. Mark Hayes, Esquire

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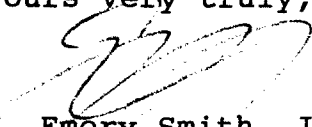
Page 2

Therefore, a plain reading of these statutes¹ indicates that the taxing power of Act 299 has been devolved by Act 189 upon the school districts.

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).