

## The State of South Carolina



## Office of the Attorney General

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ATTORNEY GENERAL

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August 28, 1987

The Honorable Terry E. Haskins  
Member, House of Representatives  
1809 Wade Hampton Boulevard  
Greenville, South Carolina 29609

Dear Representative Haskins:

Attorney General Medlock has referred your letter of August 10, 1987, to the Opinion Section for response. With respect to a proposed bond issue for the Greenville County School District, you have asked several questions about limitations on bonded indebtedness imposed by Article X, Section 15 of the State Constitution and other statutory provisions.

Of course, as you are undoubtedly aware, the issuance of bonds is a very complex and technical area of the law. Before bonds are issued generally, bond attorneys review every necessary factual and legal question relative to the issue to make certain that every necessary step has been taken. We understand that the Greenville County School District has been advised by bond attorneys Theodore B. Guerard of Haynsworth, Marion, McKay & Guerard and Albert Simons, Jr. of Sinkler and Boyd with respect to the proposed bond issue. In such instances this Office generally defers to the bond attorneys due to their familiarity with the law relative to issuance of bonds and further to avoid interference with the attorney-client relationship which has been established.

By letter of August 7, 1987, Mr. Simons has advised that

The School District of Greenville County can issue \$5,000,000 of School Building Bonds under the School Bond Act (59-71-10 to 59-71-190, inclusive, Code of Laws of South Carolina, 1976) during the calendar year and we will be able to deliver our unqualified opinion relative to the issuance of said bonds.

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Similarly, Mr. Guerard's letter of August 6, 1987, concluded:

Accordingly, in our opinion, the School District is authorized to incur general obligation debt (a) pursuant to the terms and provisions of the School Bond Act; and (b) pursuant to the terms and provisions of Act No. 181 of 1971, as amended. Each statutory authorization is a separate, complete and independent authorization for the incurring of general obligation debt by the School District.

We concur in the advice rendered by bond counsel. The reasoning set forth in bond counsel's letter of August 6, 1987 is analogous to that stated by this Office in an opinion rendered on August 5, 1986, a copy of which is enclosed. 1/

With kindest regards, I am

Sincerely,

*Patricia D. Petway*

Patricia D. Petway  
Assistant Attorney General

PDP/an  
Enclosure

REVIEWED AND APPROVED BY:

*Robert D. Cook*

Robert D. Cook  
Executive Assistant for Opinions

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1/ In the interest of clarification, opinions of the Attorney General are issued only in writing. Verbal communications from an attorney within this Office represent the research and opinion of the individual attorney and are not considered an official opinion of the Attorney General. Only after such has been reduced to writing and reviewed and approved by the Executive Assistant for Opinions, will an opinion be issued.