

1982 WL 189212 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 18, 1982

\*1 The Honorable Irene K. Rudnick  
Representative  
District #85—Aiken Co.  
310-D Blatt Building  
Columbia, S. C. 29211

Dear Representative Rudnick:

Thank you for your letter of March 8, 1982 received here on March 15, 1982 which requested the opinion of this office as to several matters pertaining to a proposal to extend fiscal autonomy to the Aiken County School Board (Board). The Attorney General referred your letter to me for response.

I am enclosing a copy of Op. Att'y Gen., March 11, 1982 (by J. Emory Smith, Jr., Assistant Attorney General) which should answer the first three of your questions. By way of clarification, the proposed changes could be accomplished by statute rather than a constitutional amendment.

Your fourth question is directed to the reference in [Aiken County Board of Education v. Knotts, 274 SC 144, 262 SE 2d 14 \(1980\)](#) to a legislative intent behind § 21-1038.6 of the Code of Laws of South Carolina (1962), as amended, that the Board not have the power to increase its tax levy without the concurrence of some reviewing authority. This reference was merely an interpretation of prior and existing legislation for Aiken County only and seems to have been intended only to support the court's conclusion that those parts of § 21-1038.6 which it held to be constitutional did not give the Board the authority to increase its tax levies. The court did not require that another reviewing authority be submitted for the one in the portion of § 21-1038.6 which it declared to be unconstitutional.

If we may be of further assistance, please let us know.

Yours very truly,

J. Emory Smith, Jr.  
Assistant Attorney General

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