

1981 WL 158249 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 24, 1981

*1 Mr. Kenneth G. Goode
Fairfield County Attorney
Post Office Box 488
Winnsboro, South Carolina 29180

Dear Mr. Goode:

You have requested the advice of this office as to the condemnation procedure which would apply to your local school board. In addition, you have asked a number of questions about the authority of the school board to borrow funds independently of action by County Council.

Statutory and constitutional provisions address the subjects in question. The procedure for condemnation by school districts is set out in §§ 59-19-200 through 59-19-240 of the Code of Laws of South Carolina (1976). As for borrowing authority, I refer you to [Article 10, § 15, Constitution of the State of South Carolina \(1895\)](#), as amended, and §§ 11-27-50 and 59-71-10, *et seq.*, of the Code and the amendments thereto. Any local laws pertaining to borrowing in Fairfield County would also have to be considered. *See*, Act 812, Acts and Joint Resolutions of South Carolina, 1952. In addition, [§ 59-69-270 of the Code](#) gives certain county officers the authority to borrow money to pay the 'school claims', of their counties. This provision has never been construed by the South Carolina Supreme Court and since the last amendment to it, the Home Rule Act has been passed. *See*, § 4-9-10, *et seq.*, of the Code and the amendments thereto. No opinion is expressed as to the consistency of [§ 59-69-270](#) with the Home Rule Act or other provisions of law. Finally, I am enclosing copies of several opinions of this office which discuss some of the above provisions for borrowing.

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

Very truly yours,

J. Emory Smith, Jr.
Assistant Attorney General

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