

1982 WL 189458 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 8, 1982

*1 A. G. Solomons, Jr.
Attorney At Law
164 East Railroad Avenue
Estill, South Carolina 29918

Dear Mr. Solomons:

In response to your request for an opinion from this office regarding the issuance of general obligation bonds by one of the Hampton County school districts, Act No. 247 of 1982 [62 Stat. 1817 (1981)] requires, inter alia:

(A) The authorities of any operating school unit in Hampton County may issue general obligation bonds of such operating school unit for the purpose of defraying the cost of capital improvements to any amounts without exceeding constitutional debt limitations applicable to such operating school unit, if:

(2) The bonds are issued within five years following the holding of the elections; . . .

According to your letter, the approving referendum was held in 1978; accordingly, the bonds, if issued, must be issued by November, 1983, assuming that the referendum was held in November, 1978. The degree of formal action required by the school district before the millage can be increased in anticipation of the issuance is not subject to ready determination, but, in my opinion, the school district authorities must assure that the bonds will in fact be issued before millage can be increased in anticipation thereof.

With kind regards,

Karen LeCraft Henderson
Deputy Attorney General

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