

1980 WL 121054 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 4, 1980

***1 Re: Opinion Concerning Investment of School Funds**

Mr. Thomas W. Cooper, Jr.
Coffey, Cooper & Chandler
Post Office Box 277
Manning, South Carolina 29102

Dear Mr. Cooper:

You have requested an opinion of this Office, regarding the investment of surplus school funds and school bond funds. Based upon existing statutory authority and prior opinions of this Office, the authority to invest surplus school funds rests with the county treasurer and not the school district. Specifically, [§ 59-69-10, et seq., Code of Laws of South Carolina](#), 1976, requires that school funds generally remain within the custody of the county treasurer, and the just referenced Code sections outline the procedures required for school district officials to make payment of school funds. Section 59-69-250 requires the county treasurer to carry forward unexpended school funds, stating:

The county treasurer shall carry forward all sums in his hands collected for any previous year or years for school purposes and unexpended to the next fiscal year and credit the same to the school districts respectively, for which they were apportioned. He shall report such sums to the county superintendent of education.

[Section 12-45-220, Code of Laws of South Carolina](#), 1976, authorizes and directs county treasurers in the investment of certain funds; moreover, this statute enumerates the particular type of investments that may be made by a county treasurer of surplus funds, including school funds. The position taken in this letter is supported by four previous opinions of this Office, which are included herewith. I shall not discuss the opinions separately; however, separately and collectively, the opinions support the position that only the county treasurer is authorized to invest the funds in question.

My review of local legislation has not revealed any special legislation, authorizing school district officials in Clarendon County to invest funds on their own behalf. Act No. 722, Acts and Joint Resolutions of South Carolina, 1934, provides specific authority for the treasurer of Clarendon County to invest certain public funds held by the treasurer. Insofar as I have been able to determine, Act No. 722 of 1934 has neither been repealed nor amended; therefore, the 1934 Act should be read in conjunction with § 12-345-220. In view of the conclusions drawn in this opinion and the previous opinions of this Office attached hereto, it does not appear necessary to consider the legality of making the various investments questioned in your letter.

Please call upon me if you have any further questions concerning this matter.

With kindest regards,
Sincerely,

Paul S. League
Assistant Attorney General

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