

1979 WL 43597 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 19, 1979

*1 Mr. Howell A. Wilson
Attorney at Law
Post Office Box 1368
Lake City, South Carolina 29560

Dear Mr. Wilson:

You have recently asked the opinion of this Office concerning the different ways Florence County School District #3 School Board may borrow money.

In response to your questions, I refer you to [Art. X, § 15, Constitution of the State of South Carolina \(1895\)](#), as amended; [§§ 11-27-50 of the Code](#), as amended, and [§ 59-71-10, et seq.](#), of the Code. The only special laws which relate to borrowing by your District are Act No. 24 of the 1975 Acts and Joint Resolutions and Act No. 760 of the 1978 Acts and Joint Resolutions. I refer you also to [§ 59-69-270 of the Code](#) which 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. No opinion is expressed as to the consistency of [§ 59-69-270](#) with the Home Rule Act or other provisions of law.

I am enclosing copies of several Opinions of this Office which discuss some of the above provisions. Some of these Opinions pre-date the adoption of the [Art. X, § 15 of the Constitution](#).

If I can be of further assistance to you, please do not hesitate to contact me.

Very truly yours,

J. Emory Smith, Jr.
State Attorney

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