

1978 WL 35222 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 15, 1978

\*1 Peter D. Hyman, Esquire  
Florence County Attorney  
Post Office Box 1770  
Florence, South Carolina 29503

Dear Mr. Hyman:

You have requested an opinion from this Office as to whether the following underlined language of Section 1 of Act No. 49 of 1957 [50 STAT. 52 (1957)] is permissive or whether it specifies the only two alternatives available to the board of trustees of any of Florence County's school districts:

Abandoned school property in Florence County may be sold by the district board of trustees of the district in which such property is situated. Such sale may be by sealed bids or at public auction in the discretion of the board . . . [Emphasis added.]

In my opinion, a district board of trustees in Florence County is to sell abandoned school property within its district either by sealed bids or at public auction. The phrase 'may be' in the context of Section 1 of Act No. 49 of 1957 can and should be construed to be mandatory rather than permissive, especially in view of the remaining provisions of Section 1 which set forth the procedure to be followed if sealed bids are used as well as the procedure to be followed if public auction is used. See generally 2A SUTHERLAND STATUTORY CONSTRUCTION § 57.03; 26A WORDS AND PHRASES 'May—In Statutes As Permissive or Mandatory;' cf., [Mossey v. Glenn](#), 106 S.C. 53, 90 S.E. 321 (1916).

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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