

1975 S.C. Op. Atty. Gen. 106 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4034, 1975 WL 22331

Office of the Attorney General

State of South Carolina

Opinion No. 4034

June 11, 1975

**\*1 The Lancaster County Board of Commissioners has the power to issue bonds for Lancaster County.**

Lancaster County Attorney  
Lancaster, South Carolina 29720

Reference is made to your request as Attorney for Lancaster County for the opinion of this office of the proper authority in Lancaster County to prescribe the method of execution and sale of general obligation bonds of the County.

Act 1043, Acts of the General Assembly of 1972, creates the Lancaster County Board of Commissioners and confers upon the Board certain powers. In Section 1, subsection 18 of the Act, it is provided that the Board is to ‘exercise all powers and duties vested by law in the existing County Board of Administrators.’

Act 1251, Acts of 1970, prescribes certain duties or powers of the Board of Administrators and Section 1, subsection (m) of the Act provides as follows:

‘(m) The issuing of bonds, pleading the faith and credit of the county for purposes authorized by and within the limits prescribed by the Constitution of this State. Bonds issued pursuant to this authority shall mature serially in such manner as the commission may provide. They may contain provisions permitting their redemption prior to their stated maturity at premium figures. *The Commission shall determine the rates of interest such bonds may bear, the method of their execution and sale, and all other matters incident to the proper issuance and delivery of such bonds,* and order the levy and collection of ad valorem taxes upon all property in the county without limitation as to rate or amount sufficient to provide for the payment of the principal and interest on such bonds.’ (Emphasis added)

The General Assembly has therefore delegated to the Lancaster County Board of Commissioners the power to issue bonds pursuant to the above-quoted provision. These Acts were enacted prior to the amendment to Article VIII of the South Carolina Constitution and therefore are the authority for the power to issue bonds.

‘It is, therefore, the holding, of this court that Section 7 of new Article VIII of the South Carolina Constitution does not render unconstitutional either the Bond Act or the Act establishing County Council of Newberry County, which acts until repealed or superseded by general laws are good and valid authority for the issuance of the bonds contemplated by the Bond Act and for the exercise of the governmental powers heretofore granted County Council of Newberry County.’ [Neel v. Shealy](#), 261 S. C. 266, 199 S. E. 2d 542.

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