

1974 WL 27632 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 12, 1974

*1 Mr. Russell B. Shetterly
Executive Director
South Carolina Association of Counties
Suite 808
SCN Center
1227 Nain Street
Columbia, South Carolina

Dear Mr. Shetterly:

Thank you for your letter of January 8, 1974, concerning the bonding provisions of Article X, Section 14 of the proposed Constitutional amendment and, the application of its provisions allowing bonds to be issued without a referendum when the indebtedness does not exceed the total amount of taxes and licenses collected locally in the three preceding fiscal years for the political subdivision incurring the indebtedness. Specifically you inquire whether or not the subdivision is limited in its issue of bonds to the amount of revenue they collected locally or if they could issue bonds amounting to the total amount received to the county.

Article X, Section 14 of the proposed amendment states in part

All such indebtedness shall be secured by an irrevocable pledge of the full faith and credit and unlimited taxing power of the political subdivision incurring the indebtedness. Counties, municipalities, school districts, special districts and any other political subdivision may incur such indebtedness upon the approval of the governing body only when such indebtedness does not exceed the total amount of taxes and licenses collected locally in the three preceding fiscal years for the political subdivision incurring the indebtedness. (emphasis added)

Giving these words their ordinary meaning, as is required, see 16 C.J.S. Constitutional Law § 19, it is obvious that the intent of the statute is to allow a political subdivision to issue bonds only to an amount equivalent to what the subdivision itself has received.

In construing Constitutional language attention must be given the intent of the ‘. . . framers and the people who adopt it.’ 16 C.J.S. Constitutional Law § 16. See also Ansel v. Means, 171 S.C. 432, 142 S.E. 434 (1934). Reference is therefore made to the ‘Final Report of. The Committee To Make A Study of the South Carolina Constitution of 1895,’ 1969. The comments of the Committee on this article states in part.

The Committee strongly believes that local governments should be limited in the amount of debt which may be incurred without a vote. The Committee further feels that basing this amount on the taxes and licenses collected locally in the three preceding years is a better measure than the current procedure.

Therefore, it is the opinion of this Office that Article X, Section 14 of the proposed amendment would be construed as a bonding limitation equivalent to the amount that political subdivision has received in taxes and licenses.

Sincerely,

Treva Ashworth

Staff Attorney

1974 WL 27632 (S.C.A.G.)

End of Document

© 2018 Thomson Reuters. No claim to original U.S. Government Works.