

1978 WL 35211 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 8, 1978

*1 Marion S. Riggs, Esquire
Rogers, Riggs & Rickenbaker
23 West Boyce Street
Manning, South Carolina 29102

Dear Mr. Riggs:

You have asked several questions concerning the issuance of school bonds under new Article X of the state constitution. Specifically, you have asked about the possibility of borrowing in an amount greater than 30% of the assessed value of property within the district, or, if the amount borrowed is less than 30%, who must approve the bond issue.

With respect to the thirty per cent limitation concerning Clarendon County, new [Article X, Sec. 15\(6\)](#) provides that for the first five years after the ratification of [Article X](#) (i.e., until 1982), a school district may incur bonded indebtedness to the limit authorized by former Article X, § 5. [Article X, § 5\[69\]](#) provides that the school districts in Clarendon County may incur indebtedness up to an amount equalling 30% of the assessed value of all taxable property therein. (Note: In the version of this section which appears in the 1976 Code volumes, the clause which contains the 30% limitation was inadvertently omitted.)

An increase of the bonded indebtedness between now and 1982 to the 30% limit may be accomplished without an election. I enclose an opinion of this office which deals with this question.

On the other hand, an increase beyond the 30% amount must be authorized by an election. Such an election is authorized by new [Article X, § 15\(5\)](#).

Your remaining questions concern the responsibility of various county boards for issuing bonds, and whether any referendum of any sort is necessary to authorize any additional levy which might be necessary to effect the increase to the 30% limit. We are aware of no provision of law which calls for such a referendum. The duties of the County Council and school board are spelled out in various provisions of the Constitution and Code, including Act No. 311 of 1977, the School Bond Act, § 59-71-10 et seq., and new [Article X, Section 15](#).

Please let me know if I can be of any further assistance.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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