

1976 WL 30525 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 23, 1976

\*1 Senator James P. Harrelson  
P. O. Drawer 732  
Walterboro, South Carolina 29488

Dear Senator Harrelson:

You have requested an opinion from this Office as to whether or not the Colleton County Hospital Board is presently authorized to borrow money. In my opinion, it is not.

The Hospital Board was created in 1943 primarily to negotiate for the acquisition of the hospital then located in Colleton County, to select the site for the construction of a new hospital and to operate and manage 'a standard hospital to belong to Colleton County.' That Board had no power 'to commit the County to any financial obligation beyond the amount actually appropriated each year.' 43 STAT. 223 (1943). Our research indicates that the 1943 act has not been amended so as to empower the Hospital Board generally to borrow money or otherwise incur indebtedness. Cf., 56 STAT. 1210 (1969). Moreover, the Colleton County Board of Administrators, which, to our Office, represents the present governing body of Colleton County, is not authorized by the provisions of the act creating it [54 STAT. 2059 (1966)] to borrow money or to incur indebtedness; indeed, the General Assembly has, in the past, enacted special legislation from time to time to so empower the Board of Administrators. See, e.g., 55 STAT. 3446 (1968). Since the legislature is now precluded from passing such legislation, whether by virtue of the provisions of Article VIII of the State Constitution or by virtue of adjournment, neither the Colleton County Hospital Board nor the Colleton County Board of Administrators can presently borrow money except through the issuance of bonds pursuant to the County Bond Act [§§ 14-511 et seq., CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended] or the Hospital Revenue Bond Act [§§ 32-798 et seq., CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.)].

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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