

1976 WL 30547 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 10, 1976

\*1 Representative Cecil T. Sandifer  
P. O. Box 97  
Westminster, South Carolina 29693

Dear Representative Sandifer:

You have requested an opinion from this Office as to whether or not the Oconee County governing body can use the proceeds from the unexhausted portion of its fifteen per cent bonded indebtedness limit for school purposes when there exists a separate bonded indebtedness limit for the Oconee County school district and that latter limit has not yet been reached. In my opinion, it can if the proceeds from the unexhausted portion of the County's bonded debt limit will still be needed by the school district even after the district has reached its own limit.

In [Gray v. Vaigneur](#), 243 S.C. 604, 135 S.E.2d 229 (1964), the South Carolina Supreme Court held that the State Constitution permits a county to issue bonds to assist a co-extensive school district in the construction of public school facilities and that the statute authorizing Jasper County to sell general obligation bonds in the amount of \$50,000.00 and to turn the proceeds over to a co-extensive school district for a school improvement program is not unconstitutional on any theory that the bonded indebtedness of the school district will exceed its debt limitation thereby.

Since Oconee County's school district is co-extensive with Oconee County, i.e., since there is only one school district in Oconee County and it encompasses the entire County [§ 21-3671, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended], Oconee County can issue its bonds and turn the proceeds over to the school district to assist it once the district's bonded debt limit has been reached.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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