

1975 WL 29008 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 15, 1975

\*1 Frank E. Harrison, Esquire  
McCormick County Attorney  
P. O. Box 56  
McCormick, South Carolina 29835

Dear Mr. Harrison:

You have requested an opinion as to the constitutionality of an Act bearing Ratification No. 436 which Act authorizes the Treasurer and Supervisor of McCormick County to borrow not exceeding one hundred five thousand (\$105,000.00) dollars to construct a vocational school in the county.

This office must take the position that, inasmuch as the Act has been enacted, it is presumed to be constitutional until and unless a court of law declares otherwise. We also advise, however, that if an action were to be brought pursuant to the Uniform Declaratory Judgments Act [Sections 10-2001 *et seq.*, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended] the Act would, in our opinion, most probably be declared unconstitutional pursuant to the decision of [Knight v. Salisbury](#), 262 S.C. 565, 206 S.E.2d 875 (1974). See also, [Thorne et al. v. Seabrook, et al.](#) (Opinion No. 20030, filed June 10, 1975).

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

**Calendar No. H. 3183**

**Introduced by REP. McAFFE**

**Printer's No. 902-H.**

**Read the final time June 5, 1975**

**A BILL**

To Authorize McCormick County To Borrow Not Exceeding One Hundred Five Thousand Dollars for the Purpose of Constructing A Vocational School and Provide For Payment Of The Loan.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. The Treasurer and Supervisor of McCormick County are hereby authorized to borrow not exceeding one hundred five thousand dollars for the purpose of constructing a vocational school in the county, including the purchase of land therefor, from the Farmer's Home Administration at the most favorable interest rate available. The indebtedness shall be evidenced by a note or notes executed by the McCormick County Treasurer and Supervisor maturing not later than fifteen years from the date of execution and including provisions to anticipate payment thereof on any anniversary date of such note or notes.

SECTION 2. For payment of the indebtedness, the full faith, credit and taxing power of the county are irrevocably pledged and the county auditor and county treasurer are directed to levy and collect annually a sufficient sum to pay the principal and interest thereon. The funds received each year by McCormick County School District No. 4 from the State for capital improvements, otherwise known as the building fund, shall be used to pay the principal and interest on the indebtedness. In the event the county may receive or have on hand any funds not otherwise pledged or designated for a particular use, such funds may also be used for payment of the loan and interest thereon, if so much be necessary.

SECTION 3. This act shall take effect upon approval by the Governor.

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