

1975 WL 29114 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 2, 1975

**\*1 Re: Act Bearing House No. 3117**

George Warren, Jr., Esquire  
Hampton County Attorney  
Post Office Box 27  
Hampton, SC 29924

Dear Mr. Warren:

You have asked two questions regarding the above-referenced Act. First, you question whether or not Hampton County may borrow funds from banks located in Hampton County. Section 1 of the Act allows Hampton County Council to borrow funds 'from the Division of General Services or any other lending agency . . .'. Since 'any other lending agency' would include banks, Hampton County may borrow the funds from any bank the Council wishes.

The second question you asked is whether or not the Council must call a referendum for the people of Hampton County to authorize the loan prior to the County's contracting for such a loan. The only requirements for referendums are in conjunction with issuance of bonds. The State Supreme Court in [Carrison v. Kershaw County, 83 SC 88, 64 SE 1018 \(1909\)](#) held that the Legislature may authorize the County to issue bonds without submitting the question to an election.

Furthermore, the indebtedness proposed in the above-referenced Act is not a bond issued under Sections 14-511 et seq., Code of Laws of South Carolina (1962). Neither the State Constitution nor the Act authorizing Hampton County to borrow funds for the building of a new jail requires that County Council submit the question of the loan to the County electorate through a referendum. Therefore, in this specific instance, a referendum is not required.

However, you would be well advised to look at Article 8, Section 7 of the 1974 Cumulative Supplement of the Constitution which provides that: 'No laws for a specific county shall be enacted . . .'. For your information, this Bill became law June 18, 1975, without the Governor's signature.

Yours very truly,

M. Elizabeth Crum  
Assistant Attorney General

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