

1974 WL 27536 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 12, 1974

\*1 Senator Thomas E. Smith, Jr.  
Post Office Box 308  
Pamplico, SC 29583

Dear Senator Smith:

You have asked an opinion of this Office as to whether or not there is any constitutional or statutory prohibitions against the use by employees of Florence County Truck, Earth Moving equipment or related equipment on property owned by Florence County School District Number 2. The specific work to be performed by the County employees includes roadwork and land scraping on the school property in connection with a new building being built with county, state, and federal funds.

Article 10, Section 6 provides in part: ‘The General Assembly shall not have the power to authorize any county or township to levy a tax or issue bonds for any purpose except for educational purposes, to build and prepare roads, buildings and bridges . . .’ (Emphasis added. As long as you have county employees using county machinery on County Public School District property, there seems to be no constitutional prohibition since such is for educational purposes.

I have talked with several of the attorneys within this Office, and we find nothing to prohibit Florence County from using its equipment as you described.

Yours very truly,

M. Elizabeth Crum  
Assistant Attorney General

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