

# **Public Finance**

## **Advertisements for purchase of securities**

### **11-15-250**

The guardian of a sinking fund must advertise if any offers for the sale of bonds arises “for which the sinking fund is established.” This must be done once a week for two weeks in a newspaper of general circulation in the county which the sinking fund is found.

Section When	Notice	Where	
11-15-250	Notice of the sale of bonds for sinking fund	A newspaper that is published in the county	Once a week for two weeks

Exact wording:

“In making such investment of sinking funds in securities other than those of the county in which such sinking fund was created the custodian shall advertise once a week for two weeks in one newspaper published in the county in which a sinking fund is established or in a newspaper having general circulation in such county for offers of sale of bonds of the issue for which the sinking fund is established and of bonds of political subdivisions of this State, with the right to reject any offers.”

## **Sale of bonds**

### **11-15-520**

The sale of refunding bonds in this section must be advertised in a newspaper with general circulation in the state or a financial publication in New York or both depending on the board. The advertisement must be published no less than ten days before the sale.

Section When	Notice	Where	
11-15-520	Notice of the sale of refunding bonds	A newspaper with general circulation in the state or in a financial publication in New York or both depending on the board.	No less than ten days prior to the public sale

Exact wording:

“Such refunding bonds shall be sold at public sale, after advertisement of sale in a newspaper having general circulation in the State or in a financial publication published in the city of New York or, in the discretion of the governing body, in both such publications. Such advertisement shall appear not less than ten days prior to the occasion set for such sale. The bonds may be disposed of at private sale if there are no bids received or if all bids are rejected. The provisions of this section shall not prevent a private sale to the United States of America or any agency thereof.”

**Effect of New Article X on state bonds  
11-27-30**

Any state general obligation bonds that are issued under New Article X must be sold at a public sale and a notice of this sale must first be placed. The notice shall be placed at least seven days prior to the sale in a newspaper of general circulation in the State or a financial paper in New York City determined by the state board

Section When	Notice	Where
11-27-30	A notice of advertisement of a public sale of state bonds under New Article X	A newspaper of general circulation in the State or a financial paper in New York City that is determined by the state board

Exact wording:

“9. Notwithstanding any other provision of law, state general obligation bonds may be issued in accordance with the following:

(a) The bonds must be sold at public sale, after advertisement of the sale in a newspaper having general circulation in this State or in a financial publication published in the City of New York, as determined by the state board. The advertisement must appear no fewer than seven days before the occasion set for the sale and may set as a date for the sale a fixed date no fewer than seven days following publication, or in the alternative, may advise that the sale date will be at least seven days following the date of publication. If a fixed date of sale is not set forth in the advertisement as published in accordance with this item, the date selected for the receipt of bids also must be disseminated via an electronic information service at least forty-eight hours before the time set for the receipt of bids. If a fixed date of sale is set forth in the advertisement, it may be modified by notice disseminated via an electronic information service at least forty-eight hours before the time set for the receipt of bids on the modified date of sale. No bonds may be sold pursuant to this item on a date which is more than sixty days after the date of the most recent publication of advertisement relating to the sale. Bids for the purchase of bonds may be received in the form determined by the state board.”

**Effect of New Article X on bonds of political subdivisions ?????  
11-27-40**

The governing body of each political subdivision in the State has the power to acquire general obligation debt for their subdivision. As long as there is no opposition of any other law a general obligation bond may be sold at a private sale without advertisement of the sale needed as long as it is no more than one million five hundred thousand dollars and will mature no later than ten years after the date that it was issued. A publication of a notice of the intention to sell shall be placed however seven days prior and contain the purchaser, the purchase price, interest rates and the maturity schedule of the bonds.

Section When	Notice	Where
11-27-40	A notice of the	A newspaper with

Seven days prior to

	intention to sell general obligation bonds of political subdivision under New Article X. The notice shall contain the purchaser, the purchase price, interest rates and the maturity schedule of the bonds.	general circulation in that political subdivision	the delivery of the bonds
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Exact Wording:

“The governing body of each of the political subdivisions of the State shall be empowered to incur general obligation debt for their respective political subdivisions as permitted by Section 14 of New Article X and in accordance with its provisions and limitations. All laws shall continue in force and effect after the ratification date, but each of such laws is amended as follows:

4. Notwithstanding any contrary provision in any law, any issue of general obligation bonds maturing not later than ten years from their date of issuance and in the amount of not exceeding one million five hundred thousand dollars may be sold at private sale and without advertisement, if not less than seven days prior to their delivery, notice of intention to sell such bonds at private sale shall be given by publication in a newspaper of general circulation in such political subdivision. Such notice shall set forth the purchaser, the purchase price, interest rates, and maturity schedule of such bonds.”

### **Effect of New Article X on bonds of school districts**

The board of trustees or governing body of any school districts in the state has the power to acquire any general obligation debt for their school. As long as there is no opposition of any other law a general obligation bond may be sold at a private sale without advertisement of the sale needed as long as it is no more than one million five hundred thousand dollars and will mature no later than ten years after the date that it was issued. A publication of a notice of the intention to sell shall be placed however seven days prior and contain the purchaser, the purchase price, interest rates and the maturity schedule of the bonds.

Section When	Notice	Where
<b>11-27-40</b>	A notice of the intention to sell general obligation bonds of school districts under New Article X. The notice shall contain the purchaser, the purchase price,	A newspaper with general circulation in that school district
		Seven days prior to the delivery of the bonds

	interest rates and the maturity schedule of the bonds.		
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Exact wording:

“The board of trustees or other governing body (the governing body) of each of the school districts of the State shall be empowered to incur general obligation debt for their respective school districts as permitted by Section 15 of New Article X and in accordance with its provisions and limitations. All laws relating to such matters shall continue in force and effect after the ratification date, but all such laws are amended as follows:

6. Notwithstanding provision of law to the contrary, an issue of general obligation bonds maturing not later than ten years from their date of issuance and in the amount of not exceeding one million five hundred thousand dollars may be sold at private sale and without advertisement, if not less than seven days prior to their delivery, notice of intention to sell such bonds at private sale is given by publication in a newspaper of general circulation in the school district. Such notice shall set forth the purchaser, the purchase price, interest rates, and maturity schedule of such bonds”

**Competitive sealed bidding  
11-35-1520**

If contracts are twenty-five thousand or more dollars than competitive sealed bidding can take place. For these types of bids a notice should be published in a newspaper with general circulation in the state with enough time for the “opening of bids.” The notice may be placed under “South Carolina Business Opportunities” as long as the Office of General Services approves it.

Section When	Notice	Where
11-35-1520	A notice of the invitation of bids in terms of competitive sealed bidding	A newspaper with general circulation in the state Prior to the date set for opening bids

Exact wording:

“Notice: Adequate notice of the invitation for bids shall be given at a reasonable time prior to the date set forth therein for the opening of bids. Such notice shall include publications in a newspaper of general circulation in the State such as “South Carolina Business Opportunities” or through a means of central electronic advertising as approved by the Office of General Services.”

**Authorization to issue; amount; sale; sale price; maturity; interest  
11-38-20**

Under this section capital improvement bonds are to be sold under sealed proposals. This can only be done after a notice of the sale has been published at least once and at least ten days before the sale. The notice must be published in a newspaper of general circulation in the State and in a financial publication in New York City. This section does not apply to any capital improvement bonds that are less than \$1000.

Section When	Notice	Where
11-38-20	A notice of the sale of capital improvement bonds	A newspaper with a general circulation in the state and in a financial publication in New York City.

Exact wording:

“(E) The requirement that capital improvement bonds be sold upon sealed proposals, after publication in notice of sale one or more times at least ten days before such sale, in a newspaper of general circulation in the State and also a financial paper published in New York City, shall not apply to the sale of capital improvement bonds in denomination of less than \$1,000. The State Treasurer is authorized to develop and implement a program for the sale of capital improvement bonds in denominations of less than \$1,000, including the advertisement of it, that will ensure an opportunity for citizens of the State to purchase these capital improvement bonds.”

### **Notice of the sale of transportation infrastructure bonds**

#### **11-43-620**

A notice of the sale of transportation infrastructure bonds must be published at least once seven days prior to the sale in a newspaper of general circulation and in a financial paper that is published in New York City. Only after this attempt may the Governor and the State Treasurer sell these bonds under sealed proposals.

Section When	Notice	Where
11-43-620	A notice of the sale of transportation infrastructure bonds	A newspaper with general circulation in the state and a financial publication in New York City that publishes these types of notices.

Exact wording:

“Transportation infrastructure bonds must be sold by the Governor and the State Treasurer upon sealed proposals, after publication of notice of such sale one or more times at least seven days before such sale, in a newspaper of general circulation in the State and also in a financial publication in New York City which regularly publishes notices of state or municipal bonds.”