



Office of the Attorney General

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August 7, 1986

Larry C. Batson, Esquire
Legal Advisor
S. C. Department of Corrections
P. O. Box 21787
Columbia, South Carolina 29221-1787

RE: Opinion Request - Commissioner Authority to Contract

Dear Mr. Batson:

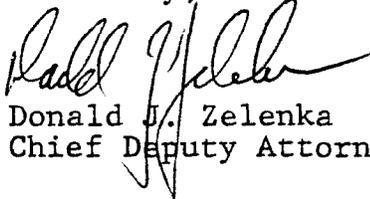
You have requested an opinion letter from this Office concerning whether the Commissioner of the South Carolina Department of Corrections has the power to enter into contracts specifically in the area of providing medical care for inmates in the Coastal Region. I have reviewed S. C. CODE ANN., § 24-1-130,140,170,180 (1976) and I am of the opinion that the Commissioner does have the legal authority to enter into such an agreement.

Section 24-1-130 places the responsibility "for the management of the affairs of the prison system and for the proper care, treatment,...and management of the prisoners confined therein" to the Board of Corrections "through the Commissioner selected by it." These powers include accounting for the financial records, the authority to receive and review bids for "contracts for the purchase of materials, supplies, equipment, and sustenance for the prison system." See; § 24-1-170,180. S. C. Constitution, Article XII, § 2 mandated the General Assembly to establish correctional institutions and "provide for the custody, maintenance, health, welfare, education, and rehabilitation of the inmates." (Emphasis added). It cannot be seriously

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questioned then that the Commissioner of the South Carolina Department of Corrections has the authority to contract in the area of providing health services to inmates.

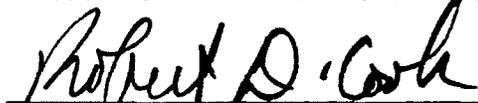
Sincerely,



Donald J. Zelenka
Chief Deputy Attorney General

DJZ/fc

REVIEWED AND APPROVED BY:



ROBERT D. COOK
Executive Assistant for Opinions