

The State of South Carolina

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September 2, 1988

Ms. Elaine Freeman
Executive Director, ETV Endowment
of South Carolina, Inc.
1029 Woodburn Road
Spartanburg, South Carolina 29302

RE: Your letter of July 8, 1988

Dear Ms. Freeman:

You have asked whether it is within the authority of the ETV Commission to name its new facilities for its president. It appears that it is.

In 1984, Senator Drummond introduced Senate Bill 809 which would have amended the General Provisions of the South Carolina Code of Laws, 1976, regarding Public Buildings and Property, Chapter 1 of Title 10, by adding Section 10-1-85 to prohibit naming any building purchased or constructed with state funds or otherwise acquired or owned by the State for a living person. However, it did not pass.

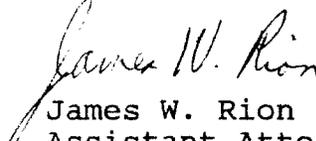
The presumption that the General Assembly intends to accomplish something with each statutory provision and not to engage in futile action, State ex rel. McLeod v. Montgomery, 244 S.C. 308, 136 S.E.2d 778 (1964), would indicate that there was nothing prohibiting naming state owned buildings for living persons at the time the bill was introduced. There is currently nothing of this nature in Title 10 "Public Buildings and Property." of the Code; there is no other reference thereto in the Index to the Code, and I could find no other authority concerning this question.

It would appear to be axiomatic that, in the absence of any other provisions thereon, the authority to name the facilities in question would be inherent in, or implied by, the authority granted the Commission to acquire them. There being nothing prohibiting it to name them for whom it chooses, and the legislative action which would have addressed the issue having failed of enactment; the

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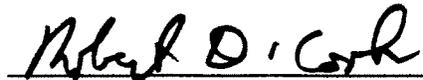
necessary implication is that the Commission has the authority to name its new facilities for its president.

Sincerely,


James W. Rion

James W. Rion
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant of Opinions