

1982 WL 189449 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 28, 1982

*1 Mr. Richard S. Fowler

Director

Tri-County Commission on Alcohol & Drug Abuse

Post Office Box 1365

Orangeburg, SC 29115

Dear Richard:

You have requested an opinion from this Office as to what disposition would be made of the property of the Tri-County Commission on Alcohol & Drug Abuse in the event of its dissolution. It is the opinion of this Office, in that event, that the assets of the Board would pass either to the State or to the three counties served by the Commission.

The Commission was created by Act No. 346, S.C. ACTS AND JOINT RESOLUTIONS, 1975. The members of the Commission are appointed by the Governor upon the the recommendation of the respective county legislative delegations. § 1, *id.* The Commission was established to perform a governmental function relating to the prevention and control of alcohol and drug abuse in the three counties composing the Commission. § 4(1). A question could be raised as to whether the Commission is an agency of the State or an agency of the three counties. In either instance, however, the Commission would be a public entity. Therefore, in the event of the dissolution of the Commission, the assets of the Commission would be deemed public property. *See* Act X, § 11, S.C. Const.; *see also* [Green v. City of Rock Hill](#), 149 S.C. 234, 266, 147 S.E. 346, 357 (1929). For these reasons, if the Commission were to be dissolved, its assets must continue to be used solely for public purposes.

Sincerely your,

David C. Eckstrom

Assistant Attorney General

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