

1976 S.C. Op. Atty. Gen. 234 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4394, 1976 WL 23012

Office of the Attorney General

State of South Carolina

Opinion No. 4394

July 14, 1976

**\*1 Re: Authority of PRT to operate retail establishments in State parks.**

Mr. J. W. Lawrence  
Assistant Director-Operations  
S. C. Department of Parks, Recreation and Tourism  
Box 113, Edgar A. Brown Building  
Columbia, SC 29201

Dear Mr. Lawrence:

You have requested an opinion pursuant to the recommendation of the State Auditor's Office as to whether or not PRT has the authority 'to operate retail establishments in State parks.'

'Generally speaking, state officers, boards, commissions, and departments have such powers as may have been delegated to them by express constitutional and statutory provisions, or as may properly be implied from the nature of the particular duties imposed on them. This power cannot be varied or enlarged by usage or by administrative construction. Executive and administrative officers, boards, departments, and commissions have no powers beyond those granted by express provision or necessary implication.' 81 C.J.S. States Section 58 at 977-8.

The Department of Parks, Recreation and Tourism is established pursuant to Sections 51-71, et seq., CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended.

Among the duties and responsibilities of the Parks, Recreation and Tourism Commission are the promotion, publication and advertising of the State tourism attractions, the development and expansion of new and existing recreational areas, which include state parks, and the development of a plan utilizing the natural facilities and resources in South Carolina as a tourism attraction taking advantage 'of the natural scenery, the outdoor sports, including hunting, fishing and swimming, together with other recreational activities such as golf, boating and sight-seeing.' Section 51-71, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended. As you will notice, PRT has not been expressly delegated the power to operate retail establishments would reasonably be one of necessary implication in that such shops help promote publications and advertised tourist attractions and to promote the general welfare and health of the people through development and expansion of recreational areas including the State parks system. Documentation of the relationship of the retail establishments to the statutory responsibility at PRT is available to support this interpretation.

Therefore, it is the opinion of this Office that PRT has the authority to operate retail establishments in State parks.

Yours very truly,

M. Elizabeth Crum  
Assistant Attorney General

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