

111 # 1901

The State of South Carolina



Office of the Attorney General

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November 1, 1985

Hurley E. Badders, Executive Director
Pendleton District Historical and
Recreational Commission
Post Office Box 565
Pendleton, South Carolina 29670

Dear Mr. Badders:

By your letter of October 24, 1985, you have asked this Office to comment on whether the Pendleton District Historical and Recreational Commission would be a special purpose or public service district. Opinions enclosed with this letter have addressed the same question as to the Old Ninety Six Tourism Commission and have concluded that the Old Ninety Six commission would not be a special purpose or public service district. See Ops. Atty. Gen. dated September 3, 1985 and February 21, 1985.

The Pendleton District commission was established pursuant to Section 51-13-510, Code of Laws of South Carolina (1976). While the powers of the commission, specified in Section 51-13-510 are somewhat more specific than those in Section 51-13-1120 as to the Old Ninety Six commission, the Pendleton District commission has not been granted those powers deemed necessary to make it a special purpose or public service district, just as the Old Ninety Six district was lacking those powers. See the opinion dated September 3, 1985. The districts are so substantively similar that the opinions written to the Old Ninety Six commission would also be applicable to the Pendleton District commission.

In conclusion, the Pendleton District Historical and Recreational Commission would most probably not be a special purpose or public service district. As to compliance with Act No. 488 of 1984, concerning reporting requirements of special purpose district, you may wish to discuss the matter with the Secretary of State to determine his views since he is charged with enforcement of the reporting requirements.

REQUEST LETTER

Mr. Badders
Page 2
November 1, 1985

We hope that these materials will be beneficial to you.
Please advise us if you need clarification or additional
information.

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/an

Enclosures

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions

cc: The Honorable John T. Campbell
Secretary of State