

1981 WL 158160 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 24, 1981

*1 Honorable John J. Snow, Jr.

Chairman

Agriculture and Natural Resources Committee

House of Representatives of the State of South Carolina

Post Office Box 11867

Columbia, South Carolina 29211

Dear Representative Snow:

You have asked whether a bill presently in your Committee, H-2204, which would require the Department of Parks, Recreation and Tourism to convey one-half acre from a State Park, is constitutional. Article III, Section 31 provides in pertinent part:

Lands belonging to or under the control of the State shall never be donated, directly or indirectly, to private corporations or individuals, or to railroad companies. Nor shall such land be sold to corporations, or associations, for a less price than that for which it can be sold to individuals.

Bill H-2204 would clearly be prohibited by this constitutional provision, since the Bill does not require at least a price for which it could be sold to individuals, i.e. fair market value.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

James W. Johnson, Jr.

Assistant Attorney General

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