

1979 WL 42750 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 11, 1979

*1 Mr. George W. Hopkins, Jr.

Director

Division of Special Service

South Carolina ETV

2712 Millwood Avenue

Columbia, S. C. 29250

Dear Bill:

You have recently asked the opinion of this office concerning the legality of the South Carolina ETV Commission leasing space to a private business.

The ETV Commission is specifically authorized to 'lease or sell the use of its facilities, equipment, programs, publications and other program related materials on such terms as the Commission deems advantageous, and funds received therefrom shall be used for Commission purposes.' [Section 59-7-50, Code of Laws of South Carolina \(1976\)](#).

The word 'facilities' embraces anything which aids or makes easier the performance of the activities involved in the business. . . . Black's Law Dictionary 705 (4th ed. 1968).

By virtue of the Commission's activities, buildings are facilities.

Therefore, it is the opinion of this office that your Agency may lease space of which it is the title holder.

South Carolina Budget and Control Board has a policy that all proposed contracts involving revenues or expenditures be submitted for its approval. Therefore, it appears the better practice to obtain approval from the South Carolina Budget and Control Board of any lease agreement which you propose to enter.

Therefore, based on the foregoing information, it is the opinion of this Office that the South Carolina ETV Commission has the authorization, as title holder of certain real property, to enter into a lease of that property, but that the Commission should seek prior approval of the proposed contract from the State Budget and Control Board.

Sincerely,

Corinne G. Russell

Staff Attorney

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