

1980 WL 121144 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 3, 1980

*1 Mr. Fred P. Brinkman
Executive Director
South Carolina Department of Parks, Recreation & Tourism
Suite 113, Edgar A. Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201

Dear Mr. Brinkman:

You have requested an opinion concerning whether guidelines for local grants from the Recreation Land Trust Fund are regulations such that they need to be promulgated in accordance with the Administrative Procedures Act. As you and I discussed by telephone, these guidelines are similar to the guidelines promulgated for the Tourism Funds Sharing Promotional Program. As was noted in the April 2, 1979 opinion of Mr. Boggs concerning the Tourism Funds Sharing Promotional Program, [Section 1-23-40\(1\) of the Code of Laws of South Carolina \(1976\)](#), requires that all regulations promulgated or proposed to be promulgated by state agencies which have general public applicability and legal effect must be filed with the Legislative Council and published in the State Register. Since these guidelines do not have 'general public applicability', they would not be regulations under the Administrative Procedures Act.

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

Sincerely,

James W. Johnson, Jr.
Assistant Attorney General

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