

1979 WL 43021 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 24, 1979

\*1 Mr. D. L. McMillin  
Assistant State Purchasing Officer  
Budget & Control Board  
Division of General Services  
800 Gervais Street  
Columbia, South Carolina 29201

Dear Mr. McMillin:

Reference is made to your letter of May 21, 1979, requesting an opinion from this Office as to whether Pee Dee Regional Transportation Authority qualifies to purchase certain supplies and equipment from the Purchasing and Property Division of the Board, within contemplation of Section 1-11-150 of the 1976 Code of Laws of South Carolina, as amended. Section 1-11-150 contemplates that the Purchasing and Property Division of the Board may purchase supplies and equipment for any county, municipality, independent college, political subdivision or school district of the State when requested to do so by the governing body thereof. The question raised by your letter of May 21, 1979, requires a determination whether the Pee Dee Regional Transportation Authority constitutes a 'political subdivision' of the State, within the meaning of Section 1-11-150 of the 1976 Code.

Documentation furnished to your Office by the Pee Dee Regional Transportation Authority under date of May 15, 1979, reflects that the said Transportation Authority was organized in 1974, under the provisions of Act 417 of the 1974 Acts of the General Assembly, codified as [Section 58-25-10, et seq., of the 1976 Code](#). The 'Regional Transportation Authority Law' ([Section 58-25-10, et seq.](#)) contemplates regional transportation authorities organized as 'a body politic and corporate.' [Section 58-25-20\(1\) of the 1976 Code](#). The governing body of an authority organized under this Act is composed of one member from each member county, municipality, or political subdivision, to be appointed by the governing body of each such entities and 'three members who shall be appointed by the Governor upon the approval of a majority of the members of the Legislative delegations of such member counties, including the Senator.' Section 58-25-30 of the 1976 Code. Section 58-25-50 of the 1976 Code authorizes and empowers any authority to exercise the power of eminent domain in limited circumstances (Section 58-25-50(c), and to 'contract with other governmental agencies, private companies and individuals.' Section 58-25-50(d). The authority is also authorized by Section 58-25-50(1) to enter into contracts, leases, or other transactions with any federal agency, the State, any agency of the State, or 'any other public body of the State.' Section 58-25-60(m) authorizes an authority to develop transportation plans, and to coordinate the planning and programs with those of appropriate municipal, county, and State agencies and 'other political subdivisions of the State.' Section 58-25-70 contemplates an annual report by any authority, as 'may be required to the Governor.'

The letter of May 15, 1979, from the Executive Director of the Pee Dee Regional Transportation Authority further reflects that said Authority has a number of purchase accounts with the State of South Carolina, purchases vehicle insurance through the Division of General Services, and has an account for the purchase of office supplies and materials from the supply, motor pool and warehouse facility in Columbia. [Section 1-11-140 of the 1976 Code](#), as amended, authorizes the purchase of insurance by 'any political subdivision of the State, including, without limitation, municipalities, counties and school districts.

\*2 The Regional Transportation Authority Law, as set forth in the permanent Statewide provisions of the [Code \(Section 58-25-10, et seq.\)](#), indicates an intent by the General Assembly that regional transportation authorities organized under

the provisions of said Law constitute political bodies which are on the same parity as 'other political subdivisions of the State.' See [Section 58-25-50\(m\) of the 1976 Code](#). The legislative intent was that such regional transportation authorities would constitute political subdivisions of the State and it is the opinion of this Office that the Pee Dee Regional Transportation Authority would qualify as a political subdivision of the State for purposes of purchasing supplies and equipment through the Purchasing and Property Division of the Board, within contemplation of Section 1-11-150 of the 1976 Code.

Yours very truly,

Victor S. Evans  
Deputy Attorney General

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