

1975 S.C. Op. Atty. Gen. 240 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4187, 1975 WL 22482

Office of the Attorney General

State of South Carolina

Opinion No. 4187

November 19, 1975

*1 As part of its effort to locate companies and jobs in South Carolina and to take advantage of existing facilities, the State Development Board has the authority to enter into a joint advertising venture with the private sector where the Board expends no State funds and acts as the program administrator advertising existing facilities and providing information about such facilities upon request.

TO: Deputy Director
State Development Board

QUESTION INVOLVED:

May the State Development Board enter into a joint venture with the private sector allowing the Board to advertise and answer inquiries concerning existing vacant industrial buildings in South Carolina where the Board expends no State funds?

AUTHORITIES INVOLVED:

§§ 9–301, et seq., CODE OF LAWS OF SOUTH CAROLINA (1962).

DISCUSSION:

The South Carolina State Development Board (the Board) proposes to enter into a joint advertising venture with various representatives of the private sector in order to facilitate the rental or sale of a number of available vacant industrial buildings within South Carolina as part of the Board's effort to locate companies and jobs in South Carolina as expeditiously as possible while taking advantage of existing facilities. As explained to this Office, no State funds will be used to buy advertising space or to produce advertisements. The Board will act simply as the program administrator, answering any and all inquiries generated by the advertisements. As the program is presently conceived, the Board contracts with building owners or their agents to prepare ad copy and, it is assumed, to arrange for the publication of the same with all costs being borne by building owners. Such ads will name the Board as the party to contact for further information, which, upon request, the Board will supply.

Pursuant to §§ 9–301, et seq., CODE OF LAWS OF SOUTH CAROLINA (1962) the State Development Board is established to meet many objectives, including:

(1) To conserve, restore and develop the natural and physical, the human and social and the economic and productive resources of the State;

...

(5) To promote public interest in the development of the State through cooperation with public agencies, private enterprises and charitable and social institutions;

(6) To promote and encourage industrial development, private business and commercial enterprise, agricultural production, transportation and the utilization and investment of capital within the State;

(7) To assist the development of existing State and interstate trade, commerce and markets for South Carolina goods and in the removal of barriers to the industrial, commercial and agricultural development of the State;

(8) To assist in ensuring stability in employment to increase the opportunities for employment of the citizens of the State and to devise ways and means to raise the living standards of the people of the State;

*2 . . .

§ 9-304, CODE OF LAWS OF SOUTH CAROLINA (1962)

The joint advertising venture as outlined supra falls within the objectives established by the Legislature that the Board ‘promote and encourage industrial development, private business and commercial enterprises;’ that they assist in ensuring employment stability and in increasing employment opportunities within the State; and that they attempt to advance the general welfare of the people of the State. Furthermore, the authority to undertake this joint advertising venture is found in § 9-309(9), CODE OF LAWS OF SOUTH CAROLINA (1962), where the Board is specifically empowered to provide information to and make contact with private business enterprises and local, State and Federal governmental agencies by any form of communication for the purpose of acquainting such individuals and organizations with industrial, agricultural and commercial opportunities in the State and for the purpose of encouraging the establishment of new or the expansion of existing industries and enterprises. (Emphasis supplied.)

The Board is advertising to acquaint private enterprise with the prevailing industrial opportunities utilizing the available vacant industrial buildings in this State. The Board is also specifically empowered to advertise the advantages of the State for industrial purposes [§ 9-309(8)].

CONCLUSION:

The State Development Board has the authority to participate in the joint advertising venture as outlined supra.

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