

1974 S.C. Op. Atty. Gen. 199 (S.C.A.G.), 1974 S.C. Op. Atty. Gen. No. 3812, 1974 WL 21318

Office of the Attorney General

State of South Carolina

Opinion No. 3812

June 26, 1974

*1 Mr. Furman E. McEachern, Jr.

Director

Division of General Services

Budget and Control Board

300 Gervais Street

Columbia, South Carolina 29201

Dear Mr. McEachern:

Your request for an opinion of recent date addressed to the Attorney General has been referred to me for consideration and reply.

You have asked whether or not under the provisions of Section 1-359, Code of Laws of South Carolina (1962), as amended 1973 Cum. Supp., the Purchasing and Property Division of the State Budget and Control Board is authorized to purchase supplies and equipment for the Alston Wilkes Society, an eleemosynary corporation.

Section 1-359 provides:

'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 purchases shall be made on the same terms and under the same rules and regulations as now provided for the purchases of supplies by the Purchasing and Property Division. The cost of any purchases made pursuant to this section shall be borne by the political subdivision or independent college concerned, which subdivision or independent college shall be billed direct therefor.' (Emphasis added).

The Alston Wilkes Society being a private eleemosynary corporation in the opinion of this office clearly does not fall within the provisions of Section 1-359 it not being a county, municipality, independent college, political subdivision or school district of the State. The fact that the Society received funds last year from the Division of Administration, Office of Criminal Justice, under the Law Enforcement Assistance Program, in addition to private donations and gifts does not alter its status in view of the unambiguous terms of Section 1-359.

Very truly yours,

Reymond G. Halfore

Assistant Attorney General

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