

1973 WL 26663 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 15, 1973

***1 Re: 226 Parks, Etc.**

Honorable Bob Hickman
Executive Director
South Carolina Department of Parks, Recreation, and Tourism
P. O. Box 1358
Columbia, South Carolina 29202

Dear Mr. Hickman:

You have requested that we advise you as to whether or not the State Parks, Recreation, and Tourism Commission possesses the authority to dispose of real estate that once belonged to the South Carolina Tri-Centennial Commission.

The statute which relates to the powers and duties of the Commission provides in part:

‘ . . . The Commission shall have the authority . . . to acquire by gift, purchase or otherwise real estate and other property, but no real estate shall be purchased or disposed of by the Commission except on approval of the State Budget and Control Board. CODE OF LAWS OF SOUTH CAROLINA § 51-76 (Cumulative Supplement) (1962).’

Act No. 610 of 1971 which transfers all powers, duties, funds, and properties of the South Carolina Tri-Centennial Commission to the Department of Parks, Recreation, and Tourism provides that the latter may negotiate the disposition of the three Tri-Centennial Exposition Parks under such terms and conditions as it deems best. 57 Stat. Act No. 610 §§ 1 and 2 at 1130-1131 (1971). Among the powers possessed by the Tri-Centennial Commission was the power to dispose of all property which it had acquired except that property which it obtained with participating funds from the United States Department of Housing and Urban Development under Title VII of the United States Act in 1961. 55 Stat. Act 1384 § 1141 at 2817 (1966).

In view of the foregoing, we are of the opinion that the Commission possesses the power to dispose of any real estate it possesses except that which was acquired with aforementioned federal funds; however, before the Commission may dispose of any real property it must have the approval of the State Budget and Control Board. Moreover, it is our recommendation that any deed which conveys real property of the Commission to a purchaser be signed by the Governor and the Secretary of State (See, CODE OF LAWS OF SOUTH CAROLINA § 1-205 (1962) as well as by the appropriate members of the Commission).

Sincerely,

C. Tolbert Goolsby, Jr.
Deputy Attorney General

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