

1979 WL 43241 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
October 23, 1979

*1 Mr. Foster M. Routh
Assistant Director
SC Commission on Alcohol and Drug Abuse
3700 Forest Drive
Columbia, South Carolina 29204

Dear Mr. Routh:

In response to your request for an opinion from this Office regarding the authority of the Greenville County Commission on Alcohol and Drug Abuse to execute commercial mortgages or engage in other types of borrowing, my opinion is that the Commission is not so authorized.

Act No. 140 of 1973, which created the Commission and prescribes its powers, duties and functions, does not contain an express grant of the authority to borrow. 58 STAT. 173 (1973). The general rule is that the power to borrow must be expressly provided for and can not be implied from a general grant of power to contract. See, e.g., 20 C.J.S. Counties § 222(b); U. S. Rubber Products v. Town of Batesburg, 183 S.C. 49; Luther v. Wheeler, 73 S.C. 83. Therefore, in the absence of express statutory authority to borrow, the Commission can not do so. Cf., e.g., 58 STAT. 836 at 839 (1973).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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