

1976 S.C. Op. Atty. Gen. 282 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4426, 1976 WL 23043

Office of the Attorney General

State of South Carolina

Opinion No. 4426

August 17, 1976

*1 Mr. J. W. Lawrence

Assistant Director

South Carolina Department of Parks, Recreation and Tourism

Box 113

Columbia, SC 29201

Dear Bill:

The South Carolina Department of Parks, Recreation and Tourism may stage an arts and crafts show, 'Atalaya Arts and Crafts Show,' at Huntington Beach State Park on September 17, 18 and 19, 1976. Furthermore, they may award prize money for the top entries.

QUESTION PRESENTED:

May PRT award prize money to successful entrants in the 'Atalaya Arts and Crafts Show' to be held at Huntington Beach State Park?

AUTHORITIES INVOLVED:

Sections 51-71, et seq., CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended.

36A Words and Phrases

DISCUSSION:

PRT is planning to hold an arts and crafts show at Huntington Beach State Park on September 17, 18 and 19, 1976. The Park is next to and formerly was a part of Brookgreen Gardens, near Murrell's Inlet, which was developed as an art center by the late Anna Hyatt Huntington. Given the facts that Brookgreen Gardens was developed as an arts center, the park's staff feels that 'Atalaya' would be an appropriate site for an arts and crafts show. The arts and crafts event would be conducted by the recreation program section of PRT.

The present plan for awarding prize money is that \$525.00 in prizes (three \$100.00, three \$50.00 and three \$25.00 prizes) will be awarded from fees collected through entrants and admission. Furthermore, PRT staff has secured private donations of \$750.00 for three \$250.00 purchase awards.

There seems to be no question that PRT has the statutory authority to sponsor arts and crafts shows. Section 51-76 provides in pertinent part that the Commission has the duty and responsibility to 'promote the general health and welfare of the people of the State by developing and expanding new and existing recreational areas, including the existing State Park System,' and to preserve and perpetuate 'our State's rich historical heritage by . . . publicizing areas, sites, buildings and other landmarks and items of national and State-wide historical interest and significance to the history of our State.' Sections 51-76(b)(d). Not only would an arts and crafts show at Huntington Beach State Park promote the historic Brookgreen Gardens but it would also serve to promote and perpetuate the arts and crafts of South Carolina through

its history. Aside from these specific statutory authorizations, Section 51–79 transfers the functions of the now repealed South Carolina Recreation Commission to the Recreation Division within PRT. A study of Act No. 1037 of 1966 which established the South Carolina Recreation Commission clearly indicates that the Recreation Commission and therefore PRT, has the authority to sponsor an arts and crafts show. Finally, “recreation’ denotes refreshment of body or mind after toil, which may come from any pleasant and diverting exercise or employment. [Comptroller of the Treasury v. M. E. Rock Hill, Inc.](#), 107 A.2d 93, 96, 205 MD. 226.’ Obviously, an arts and crafts show provides pleasant and diverting exercise from employment.

*2 As to the awarding of monetary prizes, it is clear that the Department may award the three privately donated prizes. Furthermore, since the planned arts and crafts show is one authorized by the statute, monies appropriated by the General Assembly to PRT for the carrying out its statutory duties and responsibilities may be used, in the event fees do not cover the remaining anticipated prizes, to supplement those prizes.

CONCLUSION:

The Department of Parks, Recreation and Tourism may award monetary prizes at the ‘Atalaya Arts and Crafts Show’ with the money coming from fees for entrants and an admission fee supplemented by money from its General Appropriation, if necessary.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

1976 S.C. Op. Atty. Gen. 282 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4426, 1976 WL 23043