

1975 WL 29136 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
October 15, 1975

***1 Re: Department of Youth Services**

Mr. Paul H. Infinger
Attorney
Division of General Services
300 Gervais Street
Columbia, South Carolina 29201

Dear Mr. Infinger:

By your letter of October 10, 1975, you have inquired of this Office two questions relating to the purchase of real property by State agencies. One of the questions asked was 'Is the South Carolina Department of Youth Services authorized to purchase real property?'

In the 1962 code of Laws of South Carolina, 1974 Supplement, Section 55-50.3, Youth Services is charged with the duty of managing, conducting and supervising certain existing youth centers and such other facilities as the Board of Youth Services may establish. Section 55-50.4 authorizes the Board to develop plans and facilities necessary to implement an effective program of youth delinquency prevention throughout the State. In addition, Section 55-50.9 authorizes the Board to make contracts and expend funds reasonably necessary for the management and support of the schools within the limits of the funds specifically appropriated for such purposes.

It is the general law in this State that the various State agencies are created by the Legislature and have only those powers expressly granted by the Legislature and are reasonably incidental to those granted. [Piedmont and Northern Ry. Co. v. Scott](#), 202 S.C. 207, 24 S.E.2d 353. Any doubt as to the existence of a particular power should ordinarily be resolved against its existence.

The terms used in the cited statutes, *i.e.*, manage, conduct, supervise and establish, do not in their ordinary sense impart an authorization of 'purchase' as that term relates to real property. The terms herein used are more conducive to capital improvements than to acquisition of additional land, and Section 55-50.15 provides for the use of certain acquired funds to be used for that purpose.

Our Legislature has expressly granted to certain State agencies the authority to purchase or buy real estate. It could have easily authorized such transactions by the Department of Youth Services in simple terms had it been the intent to do so.

It is, accordingly, the opinion of this Office that in the absence of specific statutory authority, the Department of Youth Services had no authority to purchase real property.

Very truly yours,

Daniel R. McLeod
Attorney General

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