

1974 WL 27611 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 25, 1974

\*1 Mr. S. B. Walker  
Marketing Director  
S. C. State Agricultural Marketing Commission  
Post Office Box 13504  
Columbia, South Carolina 29201

Dear Mr. Walker:

You have requested that this office advise you as to whether:

1. The Agricultural Marketing Commission can allow prospective renters invest money into the construction of warehouse space and obtain advance rental contracts to cover their costs?

Whether the State Agricultural Marketing Commission can legally issue Revenue Bonds to add warehouse units to present market facilities?

In answer to your first question § 3-208, Code of Laws of South Carolina, 1962, provides among other things that the Commission has the power to acquire suitable sites to be used as wholesale farmer's markets, and to erect buildings thereon. § 3-208(2). The Commission is further empowered to rent space in and on the markets and to make such reasonable rental charge as will be sufficient to defray the expenses of construction, operation and maintenance of such space.

It would therefore appear that the Commission could accept monies from prospective renters for the purpose of constructing warehouse space and in return grant them advance rental contracts if the value of the rental contracts did not exceed the cost of construction and is sufficient to defray the costs of maintenance and operation.

Your second question appears to be governed by Sections 3-208(3) and 3-221, et. seq., and is to the effect that revenue bonds may be issued form among other things, the construction of a farm market project. This would be of course include warehouse space.

It is therefore the opinion of this office that both of the proposals you have considered are within the authority of the State Agricultural Marketing Commission.

I trust this has been sufficient in answering the question which you posed. If you have any further questions please do not hesitate to call or write.

Very truly yours,

Timothy G. Quinn  
Senior Assistant Attorney General

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