

1974 WL 27177 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 16, 1974

***1 Re: Purchase of Real Property**

Mr. Henry F. Watts
State Commissioner for the Blind
P. O. Box 11638
Columbia, South Carolina 29211

Dear Mr. Watts:

You inquired as to whether the South Carolina Commission for the Blind is authorized to purchase real property out of general operating State funds, or in the alternative lease real property with an option to purchase. It is the opinion of this office that the Commission cannot.

The Commission lacks the statutory authority, both in its own act (Act No. 958 of 1966) and in the statutes relating to State agencies in general, to purchase real property in its own name. This lack of legal capacity would extend to an option to purchase so as to bind neither party. Few state agencies do have this power as it is vested in specific statutory language, or in a general grant of power to act as a corporate body.

Therefore, any property that would be purchased for the Commission would be in the name of the State, and this must be accomplished through the Budget and Control Board of the Division of General Services. On the advice of the State Treasurer, I recommend that you write the Budget and Control Board, and request permission to appear to discuss real property acquisition, setting forth the facts pertinent to the Commission's need for the property, the cost, the availability of funds, and a description of the property. At your appearance before the Budget and Control Board you could discuss interim uses of the property prior to actual construction.

I hope that this will answer your inquiry, if not please correspond.

With best wishes, I am
Very truly yours,

Harry B. Burchstead, Jr.
Assistant Attorney General

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