

1973 WL 26677 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 27, 1973

***1 SUBJECT: Sale of State Park Health Center lands.**

The South Carolina State Budget and Control Board has the authority to sell the lands that formerly belonged to State Park Health Center.

Paul H. Infinger
General Counsel
Division of General Services

You have inquired as to whether or not the South Carolina State Budget and Control Board has the authority to sell the lands of the State Park Health Center. It is the opinion of this office that the Board has the authority to sell as it appears in its discretion to be in the public interest.

The South Carolina General Assembly vested title to all of the real property of the State Park Health Center to the State of South Carolina, 'to be administered by the State Budget and Control Board.' South Carolina Acts and Joint Resolutions, 1972, Act Number 1530. Although the Board is not specifically authorized to sell the property, it would appear that the intent of the statute is to authorize the Board to administer the State Park Health Center property as it administers the other property under its control.

The Board is specifically authorized to 'sell and convey for and on behalf of the State all such real or personal property, assets and effects belonging to the State as are not in actual public use.' South Carolina Code Annotated, § 1-793 (1962). The only restriction placed upon the Board in disposing of real property belonging to the State other than the requirement that property not be in actual public use is the restriction contained in the Constitution that 'lands belonging to or under the control of the State shall never be donated directly or indirectly to private corporations or individuals or to railroad companies. Nor shall such land be sold to corporations or associations for a less price than that for which it can be sold to individuals.' Article III, Section 31, South Carolina Constitution.

Subject to the restrictions heretofore set forth, the Budget and Control Board possesses the necessary authority to sell the property of the State Park Health Center.

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