



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

December 15, 2004

Dr. Nell C. Carney
Commissioner
South Carolina Commission for the Blind
P. O. Box 79
Columbia, South Carolina 29202-0079

Dear Dr. Carney:

In a letter to this office you referenced the provisions of S.C. Code Ann. § 43-25-10 (1985) dealing with the State Commission for the Blind. Such statute provides in part that:

The chairman shall preside at the regular meetings of the Commission to be held at least once each month. The chairman may call a meeting when he deems it necessary to be held at a time to be determined by the Commission. (emphasis added).

You have questioned whether the Commission may exercise an option to hold meeting every other month or once a quarter when the business of the agency does not require monthly meetings.

In attempting to determine the meaning of Section 43-25-10, a number of principles of statutory construction are relevant. First and foremost, in interpreting a statute, the primary purpose is to ascertain the intent of the General Assembly. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). A statute must be given a reasonable and fair construction consonant with the purpose, design and policy expressed by lawmakers in the statute. Caughman v. Columbia YMCA, 212 S.C. 337, 47 S.E.2d 788 (1948). Words should be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1990). It is presumed that the General Assembly intended by its action in passing a statute to accomplish something and not to do a futile thing. State ex rel. McLeod v. Montgomery, 244 S.C. 308, 136 S.E.2d 778 (1964).

A prior opinion of this office dated June 21, 2000 referenced the decision of the State Supreme Court in State ex rel. Franklin v. Raborn, 60 S.C. 78, 38 S.E. 260 (1901). In that decision, the Court reviewed language contained in legislation that required county boards of road commissioners to meet monthly. The Court determined that such language evidenced the General Assembly's intent that the road commissioners should meet not less than once a month commenting that "(t)he requirement to meet once in each month is in effect a requirement to meet not less than

Dr. Carney
Page 2
December 15, 2004

once a month...." 60 S.C. at 100. That opinion also concluded that language in a statute that a commission "shall meet at least monthly" must be construed to indicate that the legislature intended for the commission to meet not less than once a month.

Consistent with the referenced opinion and applying the previously stated rules of statutory construction, it is my opinion that the only reasonable interpretation of Section 43-25-10 is that the General Assembly intended for the Commission for the Blind to meet not less than once a month. As to the concerns expressed in your letter of times when the business of the agency does not require monthly meetings, the referenced opinion of this office also commented that while we could not conclude that such complied with this statutory mandate of monthly meetings, in order to allow the Commission to meet less frequently than once a month, the Commission may explore the possibility of convening telephonically until such time as the General Assembly can consider amending Section 45-25-10 if such is desired. Such meetings are permitted by the South Carolina Freedom of Information Act, see, S.C. Code Ann. § 30-4-20(d) and may provide the Commission with a less expensive and time consuming means of fulfilling its statutory obligation of a monthly meeting.

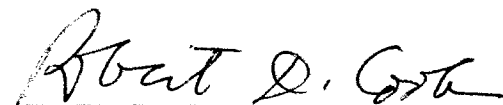
With kind regards, I am,

Very truly yours,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General