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**OFFICE OF THE ATTORNEY GENERAL**

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

August 25, 2000

R. Allen Young  
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Mount Pleasant, South Carolina 29465

**RE: Informal Opinion**

Dear Mr. Young,

Thank you for your letter of July 28, 2000, which has been referred to me for a response. You ask if the State Ports Authority (SPA) can contribute money to a project that it does not own nor over which it has full control. Specifically you inquire whether the SPA is prohibited from contributing to the Cooper River Bridge project.

The State Ports Authority's enabling legislation, codified in Chapter 3 of Title 54 of the South Carolina Code of Laws, provides guidelines for the general purposes and powers of the Authority. South Carolina Code Section 54-3-110 states:

Through the Authority the State may engage in promoting, developing, constructing, equipping, maintaining and operating the harbors or seaports within the State, namely Charleston, Georgetown and Port Royal, and works of internal improvement incident thereto, including the acquisition or construction, maintenance and operation at such seaports of harbor watercraft and terminal railroads, as well as other kinds of terminal facilities, and belt line roads or highways and *bridges thereon and other bridges and causeways necessary or useful in connection therewith.* (emphasis added)

Furthermore, S.C. Code Ann. § 54-3-130, which sets forth the purposes of the SPA, is "intended to broaden and not to restrict any other powers" of the Authority. The statute presents numerous capabilities and includes a catch-all provision in which the SPA is authorized to "do and perform any act or function which may tend to or be useful toward the development and improvement of such harbors and seaports of this State..." Similarly, S.C. Code Ann. § 54-3-140 states that the Authority may "acquire, construct, maintain, equip, and operate ... other structures and any and all facilities needful for the convenient use of the same in the aid of commerce ... including the construction of

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belt line roads and highways and bridges.”

In applying the above statutes to your question, 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). An enactment should be given a reasonable and practical construction, consistent with the purpose and policy expressed in the statute. Hay v. S.C. Tax Comm., 273 S.C. 269, 255 S.E.2d 837 (1979). Words used therein should be given their plain and ordinary meaning. First South Sav. Bank, Inc. v. Gold Coast Associates, 301 S.C. 158, 390 S.E.2d 486 (Ct. App. 1990).

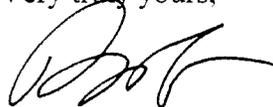
Applying the foregoing rules of statutory interpretation, I must advise that in my judgment, State law does not prohibit the State Ports Authority from contributing money to a bridge project, even though it does not own or fully control it. Given the specific authorization of the State to expend money to promote and develop the harbors and seaports of the State, including the construction of all necessary bridges, and given the intent of the General Assembly “to broaden and not to restrict,” the purposes of the SPA to accomplish these goals, a limitation on the SPA’s ability to expend funds on projects within the scope of their statutory authority would appear to be in conflict with State law.

Of course, in any legal opinion of this Office, we do not comment upon the wisdom or advisability of a particular decision of the Ports Authority, such as is contemplated in your inquiry. Simply because we have concluded that the Authority is not prohibited from contributing funds does not necessarily suggest that the SPA should. This is a matter for the SPA to determine, not this Office.

This letter is an informal opinion only. It has been written by a designated Senior Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General not officially published in the manner of a formal opinion.

With kind regards, I remain

Very truly yours,



Robert D. Cook  
Assistant Deputy Attorney General