



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES M. CONDON
ATTORNEY GENERAL

August 25, 1999

The Honorable Joe Wilson
Member, South Carolina Senate
Post Office Box 142
211 Gressette Senate Office Building
Columbia, South Carolina 29202

RE: Informal Opinion

Dear Senator Wilson:

Your recent opinion request has been forwarded to me for reply. You have asked whether the Irmo-Chapin Recreation District (hereinafter "the District") possesses the authority to construct and operate the Saluda Shoals Park.

The District was created by Act No. 329 of 1969, and its powers are set forth therein. These powers include, in pertinent part, the authority:

- (5) To acquire, by gift, purchase, or through the exercise of eminent domain, lands or interest thereon whereupon to establish general recreational facilities;
- (6) To expend all moneys which it shall receive and which may be set apart to the commission for its functions;
- (7) To acquire and operate any apparatus or equipment useful in the operation of its facilities;
- (8) To prescribe rules and regulations governing the use of the facilities;
- (9) To fix rates and charges for the use of any of its facilities;

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- (10) To make contracts and to execute instruments that are necessary or convenient for the discharge of the functions of the commission;
- (11) To make contracts for construction and other services;

In addition, the District possesses the authority to issue and sell revenue bonds for the construction and operation of recreational facilities. Finally, property in the District is subject to a tax to meet the cost of operating and maintaining parks, playgrounds and recreational facilities under its jurisdiction.

The Saluda Shoals Park is a 270-acre recreational facility located within the District boundaries. The park contains a boat ramp, a canoe launch area, a fishing pier, a picnic area, and walking trails. In the future, the park will add an amphitheater, a meeting facility, and an environmental education center.

When interpreting a statute, the primary purpose is to ascertain the intent of the Legislature. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). The words of a statute must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation. Bryant v. City of Charleston, 295 S.C. 408, 368 S.E.2d 899 (1988). The Court must apply the clear and unambiguous terms of the statute according to their literal meaning. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991). The full effect must be given to each section of a statute, giving the words used their plain meaning, and in the absence of ambiguity, words must not be added or taken from the statute. Home Bldg. & Loan Assn. v. City of Sptg., 185 S.C. 313, 194 S.E. 139 (1938).

Act No. 329 is clear and unambiguous. The General Assembly has granted the District broad authority to construct, maintain, and operate parks, playgrounds, and recreational facilities. In addition, the General Assembly has provided methods to fund these facilities. Based on the facts presented, it appears that the construction, operation, and maintenance of the Saluda Shoals Park falls well within the statutory authority of the District.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

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With best personal regards, I am

Sincerely yours,

Paul M. Koch

Paul M. Koch
Assistant Attorney General