

1984 WL 249893 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 21, 1984

*1 Joseph H. Earle, Jr., Esquire
Greenville County Attorney
100 Courthouse Annex
Greenville, South Carolina 29061

Dear Mr. Earle:

By your letter to Attorney General Medlock dated February 3, 1984, you sought an opinion on whether a portion of Greenville County's share of the Watercraft Gasoline Tax Fund should be used for construction or repairs on property belonging to a State agency, in this case the South Carolina Department of Wildlife and Marine Resources.

As you noted in your letter, [Section 12-27-390, Code of Laws of South Carolina \(1983 Cum. Supp.\)](#), provides for the distribution of one half of one percent of the gasoline tax imposed by [Section 12-27-230 of the Code](#) to the Department of Wildlife and Marine Resources. It is then credited to a special resources fund of the state treasury. The funds are distributed by formula to the various counties to be ' . . . expended, subject to the approval of a majority of the county legislative delegation, including a majority of the resident senators, if any, for the purpose of water recreational resources . . .' [Section 12-27-390, Code](#).

A sum of money has been approved for expenditure at the Oak Grove Lake site for 'the purpose of water recreation resources.' That lake is situate on property belonging to the State of South Carolina under the Department of Wildlife and Marine Resources. The concern is that the funds cannot be expended for such purpose because the 'recreation resource' is upon state lands. We, however, do not find such a limitation in [Section 12-27-390](#). It is further assumed that the use of the resource is for a public purpose. Under such assumption, we do not find a limitation that excludes the use of recreation resources upon lands of the state.

We trust that this information satisfactorily resolves your question. Please advise if we may be of additional assistance.

Sincerely,

M. Richbourg Roberson
Senior Assistant Attorney General

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