

1975 S.C. Op. Atty. Gen. 145 (S.C.A.G.), 1975 S.C. Op. Atty. Gen. No. 4066, 1975 WL 22363

Office of the Attorney General

State of South Carolina

Opinion No. 4066

August 1, 1975

*1 The State Advisory Board has the sole authority to create additional local review Boards when it has determined that such additional local review Boards are necessary.

TO: Barbaia Chappell
Office of Governor
Director
Office of Child Advocacy

QUESTION PRESENTED

Whether the State Advisory Board for review of foster care of children or individual local Boards of review has authority to create additional local Boards of review.

CASES INVOLVED

[Guery v. Kinsler](#), 3 S.C. 423 (1872) [State Co. v. Jones](#), 82 S.E. 1048, 99 S.C. 218 (1914) [McCollum v. Snipes](#), 49 S.E.2d 12, 213 S.C. 254 (1948) [Jones v. South Carolina State Highway Department](#), 146 S.E.2d 166, 247 S.C. 132 (1966)

[Southeastern Fire Ins. Co. v. South Carolina Tax Comm.](#), 171 S.E.2d 355, 253 S.C. 407 (1969)

[Boyd v. State Farm Mut. Ins. Co.](#), 195 S.E.2d 706, 260 S.C. 316 (1973)

DISCUSSION OF ISSUE

On July 2, 1974, the Governor signed into Law ‘An Act to create a system of children's foster care review Boards including a Statewide Advisory Board and local Boards in each Judicial Circuit, and provide for their powers and duties.’ Section 2 of the aforementioned Act states in pertinent part, ‘In the event the State Advisory Board determines that additional local review Boards are necessary in any Judicial Circuit because of an excessively large case load for review, the Board may create additional local review Boards by resolution and the Boards so created shall have all authority and duties provided for such Boards by the provisions of this Act.’ (Emphasis added)

It would appear fairly obvious that the Board referred to in the above-quoted sentence relates to the State Advisory Board, for absent any ambiguity or absurdity, a statute must be construed according to the clear meaning of its language. [Boyd v. State Farm Mut. Ins. Co.](#), 195 S.E.2d 706, 260 S.C. 316 (1973). Furthermore, since the State Advisory Board is given the plenary authority to determine if additional local review Boards are necessary, it must logically follow that it is the State Advisory Board that is given the power to create such additional local review Boards.

To this end, please note that the first rule of construction in the interpretation of statutes is that of the intention on the part of the Legislature and where the terms of the statute are clear and not ambiguous, there is no room for construction . . . [Jones v. South Carolina State Highway Department](#), 146 S.E.2d 166, 247 S.C. 132 (1966); [Guery v. Kinsler](#), 3 S.C. 423

(1872); [State Co. v. Jones](#), 82 S.E. 1048, 99 S.C. 218 (1914); [McCollum v. Snipes](#), 49 S.E.2d 12, 213 S.C. 254 (1948); [Southeastern Fire Ins. Co. v. South Carolina Tax Comm.](#), 171 S.E.2d 355, 253 S.C. 407 (1969).

CONCLUSION

It is the opinion of this Office that based upon the clear and unambiguous terms of the Act, the State Advisory Board has the sole authority to create additional local review Boards by resolution.

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