

1981 WL 157958 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 9, 1981

*1 Honorable Larry E. Gentry
Member
House of Representatives
323-C Blatt Building
Columbia, South Carolina 29211

Dear Representative Gentry:

In response to your request for an opinion from this Office concerning whether or not the Saluda Recreational Commission and the Hollywood Recreational Commission constitute governing bodies of special purpose districts so as to except them from the provisions of [Section 4-9-170, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, my opinion is that they do. While Act No. 150 of 1971 [57 STAT. 127 (1971)], which created the Saluda Recreational District, and Act No. 151 of 1971 [57 STAT. 129 (1971)], which created the Hollywood Recreational District, do not empower those districts to levy taxes or to issue bonds, which are two powers generally granted to special purpose districts, those statutes do grant the power of eminent domain and sufficient other powers to make those entities fairly autonomous. This opinion is not free from doubt, however, because the question of what constitutes a special purpose district is one that has been answered in different ways by different authorities. In this connection, I am enclosing a copy of a recent decision from the Honorable George F. Coleman, which discusses the characteristics of special purpose districts and political subdivisions in general.

I would recommend that a judicial resolution brought pursuant to [Sections 15-53-10 et seq. CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended (the Uniform Declaratory Judgments Act), is the only method by which to definitively answer your question.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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