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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

June 21, 2000

Janie A. Davis, Executive Director
Commission for Minority Affairs
2611 Forest Drive, Suite 203
Columbia, South Carolina 29204

RE: Informal Opinion

Dear Ms. Davis:

Thank you for your letter of June 14, 2000, inquiring "what options are available to the members of the board regarding deviating from holding monthly meetings between now and January 2001, as [required by S.C. Code Ann. §1-31-20]."

As you know, S.C. Code Ann. §1-31-20 provides as follows:

The commission ***shall meet at least monthly*** to study the causes and effects of the socio-economic deprivation of minorities in the State and to implement programs necessary to address inequities confronting minorities in the State. (Emphasis added.)

In attempting to determine the meaning of §1-31-20, a number of principles of statutory interpretation are relevant. "In interpreting any 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). *State v. Harris*, 268 S.C. 117, 232 S.E.2d 231 (1977). Words used must be given their plain and ordinary meaning without resort to subtle or forced construction for the purpose of limiting or expounding the statute's operation. In other words, the real purpose and intent of the lawmakers will prevail over the literal import of the words. *Caughman v. Cola. Y.M.C.A.*, 212 S.C. 337, 47 S.E.2d 788 (1948). *Walton v. Walton*, 282 S.C. 165, 318 S.E.2d 14 (1984). The Court must presume that the Legislature intended by its action to accomplish something and not do a futile thing. *State ex rel. McLeod v. Montgomery*, 244 S.C. 308, 136 S.E.2d 778 (1964). Moreover, use of the word "shall" in a statute generally connotes mandatory

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compliance. *S.C. Dept. of Highways and Public Transportation v. Dickinson*, 288 S.C. 189, 341 S.E.2d 134 (1986).

“Monthly” has been defined by the courts as once a month or once in every month. *Smith v. Board of Trustees of the City of Des Moines et al.*, 238 Iowa 127, 25 N.W.2d 858 (1947). Another helpful decision is *State ex rel. Franklin v. Raborn et al.*, 60 S.C. 78, 38 S.E. 260 (1901). In that case the South Carolina Supreme Court examined language contained in an Act of 1899 that required County Boards of Road Commissioners to meet monthly. The Court concluded, *inter alia*, that such language evidenced the legislature’s intent that the commissioners should meet not less than once a month. Thus, applying the previously stated rules of statutory construction in conjunction with the mandatory nature of the word “shall”, the only reasonable interpretation of §1-31-20 is that the legislature intended for the Commission for Minority Affairs to meet not less than once a month. While I can offer no guidance that complies with this statutory mandate and allows the Commission to meet less frequently than once a month, perhaps the Commission may explore the possibility of convening telephonically until such time as the General Assembly can consider amending §1-31-20. Such meetings are permitted by the South Carolina Freedom of Information Act. *see*, S.C. Code Ann. §30-4-20(d) (enclosed) and may provide the Commission with a less expensive and time consuming means of fulfilling its statutory obligation.

This letter is an informal opinion only. It has been written by a designated Deputy 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.



Zeb C. Williams, III
Deputy Attorney General

ZCW/an