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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

August 10, 2004

Gregory D. DeLoach, Esquire
Legal Department Director / Assistant Town Manager
One Town Center Court
Hilton Head Island, South Carolina 29928

Dear Mr. DeLoach:

In a letter to this office you referenced the provisions of S.C. Code Ann. Section 61-6-2010(B)(1)(g) which provides that a municipality or county may use the revenue from temporary alcoholic liquor permits for

...acquiring fee and less than fee interest in land while it is still available to be held in perpetuity as wildlife preserves or believed to be needed by the public in the future for active and passive recreation uses and scenic easements to include the following types of land: ocean, harbor and pond frontage in the form of beaches, dunes and adjoining backlands; barrier beaches; fresh and saltwater marshes and adjoining uplands; land for bicycle paths; land protecting existing and future public water supply; well fields, highway buffering and aquifer recharge areas; land for wildlife purposes; and land for future public recreational facilities.

You have asked whether the Town of Hilton Head may use revenue from temporary alcoholic liquor permits to pay principal and interest payments on land acquired before the law was passed.

When interpreting the meaning of a statute, certain basic principles must be observed. The cardinal rule of statutory interpretation is to ascertain and give effect to legislative intent. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Typically, legislative intent is determined by applying the words used by the General Assembly in their usual and ordinary significance. Martin v. Nationwide Mutual Insurance Company, 256 S.C. 577, 183 S.E.2d 451 (1971). Resort to subtle or forced construction for the purpose of limiting or expanding the operation of a statute should not be undertaken. Walton v. Walton, 282 S.C. 165, 318 S.E.2d 14 (1984). Courts must apply the clear and unambiguous terms of a statute according to their literal meaning. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991). Statutes should be given a reasonable and practical construction which is consistent with the policy and purpose expressed therein. Jones v. South Carolina State Highway Department, 247 S.C. 132, 146 S.E.2d 166 (1966).

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As expressed above, a municipality or county may use the revenue from temporary alcoholic liquor permits for "acquiring fee and less than fee interest in land while it is still available to be held in perpetuity as wildlife preserves or believed to be needed by the public in the future". Such language appears to indicate that the revenue may only be used for future endeavors in such regard. Such wording does not support a construction in my opinion that the revenue may be used to pay principal and interest payments on land acquired before the law was passed.

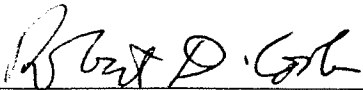
With kind regards, I am,

Very truly yours,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General