

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211-1549
TELEPHONE: 803-734-3680
FACSIMILE: 803-253-6283

November 15, 1994

The Honorable Wes Hayes
Senator, District No. 15
P. O. Box 142
Columbia, SC 29202

Dear Wes:

You have requested an opinion as to the proper interpretation of §27-16-120 (E), which provides in pertinent part as follows:

[F]of ninety-nine years following the effective date of this chapter, members of the Tribe are entitled to personal state hunting and fishing licenses without payment of fees. The Tribe and its members are subject to the same fees and requirements as all other citizens of the State in applying for and obtaining commercial hunting and fishing licenses.

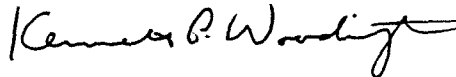
This language is substantially identical to that of ¶ 17.5 of the Settlement Agreement.

A question has now arisen as to whether this language was also intended to allow the Catawbas free big game licenses and wildlife preserve licenses. Since you were present at the settlement negotiations, as was I, you will recall that there was no specific mention of this issue at that time. Nevertheless, I believe that the intent was for the State to be generous in this area, provided that the free license provisions did not extend to commercial licenses. Accordingly, since there is nothing in the language "personal state hunting . . . licenses" which inherently excludes big game licenses and wildlife preserve licenses, it is the opinion

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of this Office that those licenses should be included within those which the Catawbas may obtain free of charge.

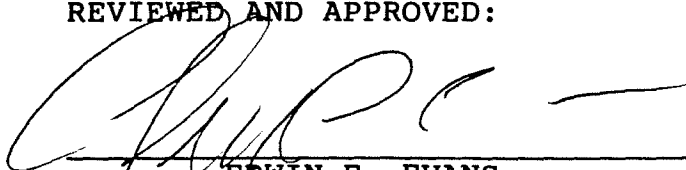
Sincerely yours,



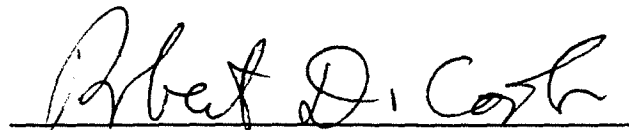
Kenneth P. Woodington
Senior Assistant Attorney General

KPW/rho

REVIEWED AND APPROVED:



EDWIN E. EVANS
Chief Deputy Attorney General



ROBERT D. COOK
Executive Assistant for Opinions