

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
TELEPHONE 803-758-3970

February 3, 1986

Robert A. Willis, Chairman
Board of Fire Control
North Greenville Fire District
Post Office Box 532
Travelers Rest, South Carolina 29690

Dear Mr. Willis:

By your letter of November 6, 1985, you have asked whether the Board of Fire Control of the North Greenville Fire District may pay salaries to two firemen. You have advised that on November 5, 1985, a referendum was held, with the following as question four: "Should Act No. 199 [of 1971] be amended to allow the Board of Fire Control to appropriate funds for paying salaries to firefighters and other District personnel?" You have further advised that for several years CETA funds were used to pay salaries of two firefighters and that funds were appropriated by the Board from proceeds of taxes levied on property within the District to pay salaries after CETA funds were cut off. You have questioned the authority of the Board to pay salaries.

Because the Board called a referendum including the question about salaries quoted above, the Board has apparently interpreted its enabling act as not permitting compensation and further that an act of the legislature would be necessary to permit such compensation to be paid. Where a body or agency has interpreted the statutory enactments relative to that body or agency, a court will give great deference to that interpretation and will not overturn that interpretation without cogent reasons. Cf., Etiwan Fertilizer Company v. South Carolina Tax Commission, 217 S.C. 354, 60 S.E.2d 682 (1950). By a vote of 51 to 32 it is apparent that the will of the voters, in opposing the appropriation of funds to pay salaries, comports with the interpretation of Act No. 199 by the Board of Fire Control.

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You suggested that Act No. 199 of 1971 could be amended to permit firefighters to be compensated. Because Act No. 199 of 1971 is an act specifically for Greenville County, there could be potential constitutional problems unless the act were amended by a law generally applicable to all counties. Article VIII, Section 7 of the State Constitution prohibits the enactment of laws for a specific county. The Supreme Court has declared acts pertaining to special purpose districts located solely within one county to be unconstitutional, as violative of Article VIII, Section 7. Torgerson v. Craver, 267 S.C. 558, 230 S.E.2d 228 (1976); Knight v. Salisbury, 262 S.C. 565, 206 S.E.2d 875 (1974); Cooper River Parks and Playground Commission v. City of North Charleston, 273 S.C. 639, 259 S.E.2d 107 (1979). Of course, it is solely within the province of the courts of this State to declare an act unconstitutional; this Office can only provide information on potential constitutional problems to you. Whether Act No. 199 should be amended or whether a general law should be enacted to permit compensation is, of course, a matter which should be determined by the legislature, keeping in mind the will of the electorate as expressed in the recent referendum.

We trust that the foregoing has satisfactorily responded to your inquiry. Please advise if additional information or clarification should be needed.

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

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REVIEWED AND APPROVED BY:

Robert D. Cook
Robert D. Cook
Executive Assistant for Opinions