

1983 WL 182023 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 10, 1983

*1 J. Robert Turnbull, Jr.
Deputy Director
S.C. Crime Victim's Compensation Fund
800 Dutch Square Blvd.
Suite 160
Columbia, South Carolina 29210

Dear Mr. Turnbull:

You have requested our advice as to what constitutes a 'private or public source' as utilized in [Section 16-3-1190 of the Code of Laws of South Carolina](#) (1976 as amended). Such provisions states:

'[a]ny award made pursuant to this article shall be reduced by the amount of any payments received or to be received as a result of the injury (a) from or on behalf of the person who committed the crime, (b) from any private or public source, included [sic] an award of workmen's compensation pursuant to the laws of this State or (c) as an emergency award pursuant to § 16-3-1150.'

The term 'private' means 'not of a public nature.' [Stocking v. Johnson Flying Service](#), 143 Mont. 61, 387 P.2d 312 (1963). The term 'public' would refer to, in this instance, monies 'belonging to the government.' [Droste v. Kerner](#), 34 Ill.2d 495, 217 N.E.2d 73 (1976). We would advise therefore that the phrase 'any other private or public source' should be read broadly and not restrictively. It appears from reading all provisions of [Section 16-3-1190](#) that the intent was that any award from the Victim's Compensation Fund be reduced by any payment received by a victim from any source whatsoever.

You further questioned whether pursuant to the referenced legislation, the Director of the Fund or the Crime Victim's Advisory Board is authorized to enter into reciprocity agreements with other states which have similar programs as the Fund whereby residents of other states and this State could receive benefits if they become victims of crime in a state other than that of their residence. We would advise that absent statutory authority for such power, neither the Director of the Fund or the Crime Victim's Advisory Board is authorized to enter into such agreements. Administrative agencies such as this one have only that authority granted to, or conferred on, them by law. 73 C.J.S., [Public Administrative Bodies and Procedure](#), § 48. Furthermore, as you are aware, pursuant to Section 16-3-1210, provisions are made which appear to accomplish for the most part what could be generally covered in such reciprocity agreements.

Any reciprocal agreements would have to be entered into by the General Assembly acting on behalf of the State, with other states as may be appropriate. 72 Am.Jur.2d, [States, Territories, and Dependencies](#), § 5. This power to enter into interstate agreements granted to the legislature normally could not be delegated to an administrative body. [State v. Watkins](#), 259 S.C. 185, 191 S.E.2d 135 (1972). Therefore, we would advise that absent provisions specifically authorizing the Director or Board to enter such agreements, such agreements would be best left to the legislature.

If there are any questions as to the above, please contact me.

Sincerely,

*2 Charles H. Richardson
Assistant Attorney General

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