

1977 S.C. Op. Atty. Gen. 149 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-198, 1977 WL 24540

Office of the Attorney General

State of South Carolina

Opinion No. 77-198

June 28, 1977

\*1 Mr. Russell B. Shetterly  
S. C. Association of Counties  
1227 Main Street  
Columbia, South Carolina 29201

Dear Mr. Shetterly:

You have requested an opinion from this Office as to whether or not a county council is authorized to provide county funds for a secretary employed in the local office of the Farmers Home Administration (FHA). In my opinion, it cannot. The FHA is a federal agency and, therefore, an employee thereof is a federal employee. There is no provision of which I am aware in Act No. 283 of 1975, the 'home rule' legislation, which would authorize a county council to finance employees of federal agencies. Legislation which would have permitted such interchange of government employees between and among federal, state and local governments was introduced in the General Assembly recently but it was not enacted [House Bill No. 2969 introduced May 3, 1977].

There is a constitutional provision that authorizes counties to agree 'to share the lawful cost, responsibility, and administration of functions with any one or more governments, whether within or without this State' [Art. VIII, § 13, S.C. CONST.], but whether or not that language would authorize a county's financing of a federal employee is doubtful. Cf., 1972-73 Ops.Atty.Gen. No. 3498.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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