

1979 WL 43468 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 17, 1979

*1 John W. Parris
Executive Director
S.C. Land Resources Conservation Commission
2221 Devine Street
Suite 222
Columbia, South Carolina 29205

Dear Mr. Parris:

You have recently asked the opinion of this office in regard to two (2) questions. Initially, you inquired as to whether Soil and Water Conservation Districts are 'subprograms of State government.' Furthermore, you requested an opinion from this office as to whether Soil and Water Conservation District Commissioners are entitled to workmens compensation benefits.

The answer to your first question is contained in [Section 48-9-30, Code of Laws of South Carolina \(1976\)](#). [Subsection 1](#) of that section provides that: "District' or 'Soil and Water Conservation District' means a governmental subdivision of this State" Therefore, these districts are subdivisions of the State.

The second question contained in your letter concerned the eligibility of Soil and Water Conservation District Commissioners for workmens compensation benefits. As you noted in your letter, several counties have local laws excluding county officials from coverage through the State Workmens Compensation Fund. However, such local laws would not apply to Soil and Water Conservation District Commissioners since they are officials for governmental subdivisions of this State and not of the individual counties.

Nevertheless, Soil and Water Conservation District Commissioners would not be entitled to coverage under the Workmens Compensation Laws of this State. [Section 42-1-130, Code of Laws of South Carolina \(1976\)](#), specifically excludes from coverage those officers of political subdivisions who ' . . . are elected by the people or elected by the council or other governing body of such . . . political subdivisions, who act in purely administrative capacities and are to serve for a definite term of office.' In the case of Soil and Water Conservation Districts, two commissioners are appointed by the South Carolina Land Resources Conservation Commission and three commissioners are elected by the qualified electors in the appropriate district. [Sections 48-9-610 and 48-9-1210, et seq., Code of Laws of South Carolina \(1976\)](#).

Three other Code Sections also provide support for the conclusion that District Commissioners are not entitled to workmens compensation benefits. [Section 48-9-1230 of the Code](#) specifies the specific terms of office for District Commissioners. Furthermore, [Section 48-9-1240 of the Code](#) specifies that Commissioners shall receive no compensation for their services, but are limited to expenses necessarily incurred in the discharge of their duties. Finally, the duties of the Commissioners are clearly administrative, as demonstrated by [Section 48-9-1270 of the Code](#).

Therefore, it is the opinion of this office that although Soil and Water Conservation Districts are subdivisions of State government, Commissioners for such districts are not entitled to workmens compensation benefits.

Sincerely,

*2 Keith M. Babcock

Assistant Attorney General

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