

1975 WL 29313 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 5, 1975

*1 Mr. Marion B. Holman
Attorney at Law
P. O. Box 269
Batesburg, South Carolina 29006

Dear Mr. Holman:

Your letter to the Attorney General of recent date requesting an opinion on the question of whether or not a volunteer fireman is an employee within the meaning of § 47-47 of Act No. 283 of 1975 has been forwarded to me for reply.

Your question is being researched and I will respond with a full opinion as soon as the research is concluded. Unfortunately I do not anticipate being able to issue such an opinion prior to December 9, 1975, the date of your election, and for that reason I am responding to you in this stop-gap fashion.

The prohibition found in § 47-47 is not applicable to Batesburg at this time since a new form of municipal government selected pursuant to Act No. 283 of 1975, the Home Rule Act, is not yet in effect in Batesburg. Act No. 283 clearly states in Section 7 that the power, duties, and restriction imposed by Home Rule upon municipalities are applicable only when a newly selected form of government becomes effective in that municipality.

Therefore, for the purposes of your December 9, 1975, election, § 47-47 of the Code of Laws of South Carolina, as amended by Act No. 238 of 1975 may be ignored.

I trust the foregoing will be satisfactory to you for the purposes of your December 9, 1975, election, and a full opinion on the question will follow as soon as the research is complete.

With warm regards, I am
Yours truly,

Bruce M. Poore
Law Clerk

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