



ALAN WILSON
ATTORNEY GENERAL

July 24, 2025

The Honorable Russell L. Ott
Member
South Carolina Senate
513 Gressette Senate Office Building
Post Office Box 142
Columbia, SC 29202

Dear Senator Ott:

Attorney General Alan Wilson has referred your letter to the Opinions section. Your letter requests an opinion addressing the following:

I am writing to request your opinion concerning the disposition of property purchased by a special purpose fire protection district that was dissolved, and then consolidated by county council with another, larger district pursuant to Article 3, Title 6 of the S.C. Code.

The Calhoun County Council, on its own motion, took the action to consolidate the special purpose fire protection districts in the County into a single special fire protection district and has taken steps to effectuate the commission's decision. One of the previous special purpose fire protection districts opposed the consolidation and has asserted ownership over the former district's property. The Calhoun County Council takes the position that all the property owned by the former special purpose fire protection districts is now the property of the new, consolidated fire district pursuant to S.C. Code § 6-11-620. ("All districts modified pursuant to this article shall assume all properties and liabilities of the antecedent district.") (emphasis added).

Law/Analysis

This opinion will assume for purposes of analysis that county council has followed the procedures authorized in Article 3, Title 6 of the S.C. Code regarding the dissolution and

consolidation of special purpose districts.¹ Section 6-11-620 clarifies how the powers, properties, and liabilities of those special purpose districts enlarged, diminished, consolidated or otherwise modified according to the provisions of section 6-11-610 may be altered as a result. As a matter of first impression, this opinion will interpret section 6-11-620 according to the rules of statutory construction. When interpreting a statute, the primary goal is to determine the General Assembly's intent. See Mitchell v. City of Greenville, 411 S.C. 632, 634, 770 S.E.2d 391, 392 (2015) ("The cardinal rule of statutory interpretation is to ascertain and effectuate the legislative intent whenever possible."). Where a statute's language is plain and unambiguous, "the text of a statute is considered the best evidence of the legislative intent or will." Hodges v. Rainey, 341 S.C. 79, 85, 533 S.E.2d 578, 581 (2000). With these principles in mind, this opinion will next examine the text of the statute to ascertain legislative intent. Section 6-11-620 states:

Each commission created pursuant to the provisions of § 6-11-610 shall have all of the powers of the predecessor commission and in the case of any consolidation, the new commission shall succeed to any and all powers enjoyed by any of the preexisting districts so consolidated.

All districts modified pursuant to this article shall assume all properties and liabilities of the antecedent district.

In instances where two or more special purpose districts petition the county board for consolidation such petitions may prescribe the disposition of the properties, assets and liabilities of the antecedent districts and may prescribe that for the purpose of discharging any existing indebtedness such existing districts shall continue as viable political entities under the government of the commission of the consolidated district.

S.C. Code § 6-11-620. According to the statute's plain language, a modified district "assumes all properties and liabilities of the antecedent district." Id. "Antecedent" is commonly defined in the American Heritage Dictionary to mean "going before; preceding." American Heritage Dictionary 56 (3rd ed. 1993); see also ANTECEDENT, Black's Law Dictionary (12th ed. 2024) ("antecedent (an-tə-see-dənt) adj. (14c) Earlier; preexisting; previous. — antecedent (preceding thing)."). Using the words "antecedent" to describe districts and "predecessor" to describe their commissions suggests the General Assembly intended those districts that are entirely consolidated according to sections 6-11-610 and -620 undergo dissolution. Moreover, when the consolidation is initiated by the county governing body, the statute's plain language says the previous districts' properties are

¹ See Op. S.C. Att'y Gen., 2006 WL 1207271 (April 4, 2006) ("Because this Office does not have the authority of a court or other fact-finding body, we are not able to adjudicate or investigate factual questions.").

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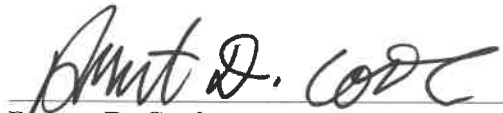
assumed by the consolidated district. If those procedures were followed, a court may well find that the newly consolidated district has ownership over the previous special purpose district's property. This will, of course, depend on the facts in a given case which only a court can determine with finality.

Sincerely,



Matthew Houck
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Solicitor General