



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

May 3, 1995

The Honorable Lanny F. Littlejohn
Member, House of Representatives
402-B Blatt Building
Columbia, South Carolina 29211

RE: Informal Opinion

Dear Representative Littlejohn:

By your letter of April 20, 1995, to Attorney General Condon, you have sought an opinion as to whether legislative acts relative to three fire districts in Spartanburg County allow for volunteer fire departments to hire and compensate full-time paid employees. You point out in your letter that these legislative acts are twenty to thirty years old and deal mainly with volunteer men and women and speak nothing about paying and having full-time firemen.

The first district to be considered is the Croft Fire District. This District was created pursuant to a referendum authorized by Act No. 879 of 1960; the 1960 act was amended by Act No. 177 of 1961 and Act No. 1956 of 1972, with respect to matters not relevant to your question. A governing body for the fire district was established, and its powers and duties were provided for in section 5 of the 1960 act. Subsection (c) authorized the fire district's board to "provide and select the drivers and other volunteer firemen to man such equipment who shall serve without compensation." Subsection (d) authorized the board to "procure and supervise the training of the volunteer firemen selected to insure that the equipment shall be utilized for the best interest of the area." No mention is made of the board's authorization to employ personnel or to pay the volunteer firemen.

The second district is the Pacolet Station Fire District, the creation of which was by referendum pursuant to Act No. 898 of 1966. This enabling legislation was amended

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the General Assembly must have intended that the firefighters be volunteers who would serve without compensation.

In reaching this conclusion, I am mindful that these enabling acts were adopted by the General Assembly twenty or more years ago, prior to the increases in population and industry in various areas of Spartanburg County, and prior to the advent of Home Rule and the various changes that Home Rule brought about with enhanced local government. It may not be practical in these times to expect fires to be fought with a non-professional staff of firefighters or unpaid volunteers. However, the enabling acts have not been amended to keep up with changing times; I can only suggest that corrective legislation be considered to remedy the situation.¹

This letter is an informal opinion only. It has been written by a designated Assistant Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion. I trust that the foregoing has satisfactorily responded to your inquiry and that you will advise if clarification or additional assistance should be needed.

With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

¹It is suggested that any legislation adopted to remedy this situation be a general law, rather than one specifically for Spartanburg County, to avoid difficulty with Article VIII, Section 7 of the South Carolina Constitution.