

1973 WL 27641 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 19, 1973

*1 Mr. D. H. Gillam, Jr.
Director
S. C. State Firemen's Association
Post Office Box 432
Orangeburg, South Carolina 29115

Dear Mr. Gillam:

Thank you for your letter of October 3, 1973, inquiring whether the Rock Hill Fire Department may use a portion of the Firemen's Funds for the purpose of purchasing shotguns for each member of the Department.

The establishment of the State Firemen's Insurance and Inspection Funds is set out in Sections 37-1151 through 37-1168 of the South Carolina Code of Laws, 1962, as amended. Disbursements of over one hundred (\$100.00) dollars must be approved by the State Association, as provided in Section 37-1167. If the proposed disbursement of funds is to be expended legally and in accordance with the law, it is mandatory for the trustees of the State Association to grant their approval. However, Section 37-1168 specifically provides that none of the funds shall be divided among the firemen of any fire department in cash. In some circumstances, 'it has been held that 'cash' includes generally—property of equivalent value—.' 14 C.J.S. Cash at 17.

The above statute also requires that the expenditure of any such funds must be for the collective benefit and enjoyment of the entire department. 'The word 'collective' is defined to be characteristic of the experience in common or the united action of the members of an aggregation or group, whether animal or human, as distinct from that of individuals.' [Intercounty Rural Electric Co-op Corporation v. Reeves](#), 171 S.W.2d 978, 982; 7A WORDS AND PHRASES at 245.

In my opinion, the proposed disbursement would not be in accordance with the law. The individuals would each be receiving property of equivalent value to the currency that would be expended for the purchase of each shotgun. The use of the shotguns would not necessarily be as a common or united action for the department, but rather the use would be as that of individuals.

With best wishes,
Very truly yours,

Daniel R. McLeod
Attorney General

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