



ALAN WILSON  
ATTORNEY GENERAL

August 25, 2023

The Honorable Chris Hill  
Fairfield County Coroner  
315 South Congress St.  
Winnsboro, SC 29180

Dear Coroner Hill:

Attorney General Alan Wilson has referred your letter to the Opinions section. Your letter states the following:

I am Coroner Chris Hill, Fairfield County, S.C. coroner, and I am writing you to get a better understanding about the money that the counties get from the South Carolina Child Fatality Funds and possibly get clarification on one of the sections in the bill.

In Section 17-5-140, part B, it states that if the duly elected coroner receives the minimum salary amount, the funds can be used at the coroner's discretion; to hire a deputy coroner, administrative personnel, or personnel with forensic training. It goes on to say that the coroner may use the funds to provide an office or office equipment. In your opinion, could a vehicle purchase be considered equipment under Section 17-5-140, part B, that the deputy coroner would use to respond to calls and carry equipment that is needed to do their job on that said call.

It also says that the money/funds can be used at the coroner's discretion. Can the coroner, at his discretion, purchase a vehicle for his deputy coroners to use on their job. Any clarification that you could give would be greatly appreciated.

### Law/Analysis

It is this Office's opinion that S.C. Code § 17-5-140(B) permits an elected county coroner to spend funds allocated thereunder for any of the purposes listed in subsection (B) after satisfying the annual compensation floor. The plain language of S.C. Code § 17-5-140(B) does not appear to permit the funds allocated thereunder to be used for a vehicle purchase.

As a matter for first impression, this opinion will interpret section 17-5-140 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). "A statute should be so construed that no word, clause, sentence, provision or part shall be rendered superfluous." Matter of Decker, 322 S.C. 215, 219, 471 S.E.2d 462, 463 (1995) (quoting 82 C.J.S. Statutes § 346) (internal quotations omitted). The rule of statutory construction "'*expressio unius est exclusio alterius*' or '*inclusio unius est exclusio alterius*' ... holds that 'to express or include one thing implies the exclusion of another or the alternative.'" Hodges, at 86, 533 S.E.2d at 582. This rule of construction means if the General Assembly creates a list within a statute, courts generally find that list is meant to be finite unless the text of the statute clearly indicates otherwise. With these principles in mind, this opinion will next look to specific provisions within the text of section 17-5-140(B) and legislative history to guide its analysis.

Section 17-5-140 was adopted as part of Act No. 183 of 2018 which created Local Child Fatality Review Teams in each county of the State. Section 1 of the Act established the composition of the teams, provided the stated purpose of the teams is to "expeditiously review all child deaths that occur in the county," and described the county coroner's role in regard to the teams. 2018 Act. No. 183, § 1. Section 2 added section 17-5-140 to the South Carolina Code of Laws with the stated purpose in the title of the Act "so as to provide that funds must be disbursed to the counties equally to pay the duly elected full-time coroner or other related personnel or equipment." 2018 Act. No. 183. Subsection (B) reads as follows:

From the funds received pursuant to this section, each county treasurer must pay the duly elected full-time coroner at least thirty-five thousand dollars annually. If the funds are not totally expended to pay the duly elected full-time coroner, then at the discretion of the coroner he may use the funds to hire a deputy coroner, administrative personnel, or personnel with forensic training. Also, the coroner may use the funds to provide an office or office equipment.

S.C. Code § 17-5-140(B) (Supp. 2022).

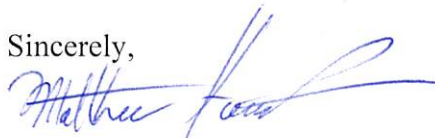
The plain language of subsection (B) describes how funds allocated under the statute may be spent. Subsection (B) initially requires the county treasurer to “pay the duly elected full-time coroner at least thirty-five thousand dollars annually.” Thereafter, the statute grants the “duly elected full-time coroner” discretionary authority to spend the remaining funds for any of the purposes listed in subsection (B). As noted in your letter, those purposes include hiring “a deputy coroner, administrative personnel, or personnel with forensic training,” and also using “the funds to provide an office or office equipment.” *Id.* The rules of statutory construction discussed above direct that this list be construed as exclusive.

It is this Office’s opinion that section 17-5-140(B) does not authorize the purchase of a vehicle as “office equipment.” Your letter questions whether a vehicle purchase could be considered authorized as “equipment.” The plain language of the statute, however, authorizes using funds to “provide an office or office equipment.” *Id.* (emphasis added). Here, “equipment” is modified by the adjective “office.” When read in context, it appears the General Assembly intended to authorize these funds to be used to both “provide an office” and to furnish it with the tools and supplies the coroner may need to make use of said office. *Id.* “Office equipment” can reasonably be interpreted to include office supplies, office furniture, equipment and supplies used in examinations, recording devices, etc. While the plain language of S.C. Code § 17-5-140 does not appear to permit the funds allocated thereunder to be used for a vehicle purchase, public funds may be used from another authorized source to provide transportation for coroner employees to respond to calls as this would serve a public purpose.

### Conclusion

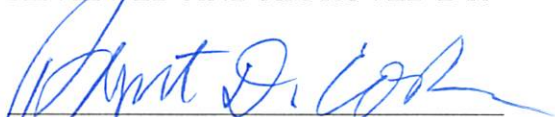
As is discussed more fully above, it is this Office’s opinion that section 17-5-140(B) does not authorize the purchase of a vehicle as “office equipment.”

Sincerely,



Matthew Houck  
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Solicitor General

