

1976 WL 30701 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 8, 1976

*1 Non-State employees may not be included under the State health insurance plan.

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QUESTION PRESENTED:

Should the Budget and Control Board allow non-State employees to be covered under the State Health insurance plan?

STATUTES, CASES, ETC., INVOLVED:

Act #237, Acts and Joint Resolutions of 1975 at page 375—‘The Appropriations Act.’

§ 61-1(4)(e), Code of Laws of South Carolina, 1962, as amended

§ 61-37, Code of Laws of South Carolina, 1962, as amended

[Caminetti v. United States](#), 242 U.S. 470, 61 L.Ed. 442 (1917)

[Hatchett v. Nationwide Mutual Insurance Company](#), 137 S.E.2d 608, 244 S.C. 425 (1964)

[Laird v. Nationwide Insurance Company](#), 134 S.E.2d 206, 243 S.C. 388 (1964)

[Wynn v. Doe](#), 255 S.C. 509, 180 S.E.2d 95 (1971)

Southerland Statutory Construction (4th addition text and commentary)

DISCUSSION OF ISSUES:

The following five private organizations and one State agency have applied for inclusion with State employees on the State of South Carolina Master Group Hospital and Medical Contract: South Carolina Education Association, South Carolina State Employee Association, South Carolina Public Service Authority (a State agency), South Carolina High School League, South Carolina Employees Corporate Credit Union, South Carolina School Board Association.

The sole provision providing health insurance for State employees and public school employees is found in the yearly Appropriations Act, which reads in pertinent part as follows:

That the amounts appropriated under Item VI of this Section for ‘Health Insurance-State Employees’ and ‘Health Insurance-Public School Employees’ shall be applied by the Budget and Control Board to the cost of providing group health, life, accidental death and dismemberment and disability insurance for active and retired employees of the State

and the public school districts of South Carolina and their eligible dependents in accord with such plans as may be determined by the Board to be equitable and of maximum benefit to those covered.

This appropriation is only for State employees and public school employees and makes no mention of allowing non-State employees to participate in the plan. By contrast the State Retirement Act specifically provides in Sections 61-1(4) (e) and 61-37 for eligibility of employees of service organizations who receive compensation from monies paid by the members (State employees) as dues, or otherwise, or for funds derived from public sources.

Clearly, there is no similar provision providing for health insurance for non-State employees. It has been held in this State that ‘the ingrafting upon law of something which has been omitted . . . is forbidden’ by the courts. [Hatchett v. Nationwide Mutual Insurance Company](#), 137 S.E.2d 608, 244 S.C. 425 (1964); [Laird v. Nationwide Insurance Company](#), 134 S.E.2d 206, 243 S.C. 388 (1964). Where the language of a statute is plain and unambiguous and conveys a clear and definite meaning, there is no occasion to resorting to the rules of statutory interpretation. [Wynn v. Doe](#), 255 S.C. 509, 180 S.E.2d 95 (1971); 3 [Southerland Statutory Construction](#) (4th addition text and commentary) at 525.

*2 . . . When words are free from doubt they must be taken as a final expression of legislative intent, and are not to be added to or subtracted from by considerations drawn . . . from any extraneous source . . . the language being plain, and not leading to absurd or wholly impracticable consequences; it is the sole evidence of the legislative intent. [Caminetti v. United States](#), 242 U.S. 470, 61 L.Ed. 442 (1917).

CONCLUSION:

The Appropriations Act of 1975 provides for health insurance for State employees and public school teachers. Providing health insurance for non-State employees is not authorized by the Statute.

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