

1983 WL 181948 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 26, 1983

\*1 Purvis W. Collins

Director

South Carolina Retirement System

Sol Blatt Building

Second Floor

Columbia, South Carolina 29201

Dear Mr. Collins:

You have requested an opinion as to the legal status of the South Carolina Research Authority, and whether it is an 'employer' within the meaning of South Carolina Code of Laws, Section 9-1-10(5).

The Authority is a body corporate and politic and was created by Act R81 of 1983. Its trustees are ex officio state officials and the appointees of such officials; the Chairman is appointed by the Governor. Its function is to promote research and advanced technology within the State. The Authority has been vested with the powers to enter into contracts, making binding agreements, and generally take such actions in its name as are necessary to accomplish the purposes described in Section 2 of the Aforesaid Act. The Authority is similar in structure to the South Carolina Public Service Authority, an entity which the South Carolina Supreme Court has held to be 'a public corporation in the nature of a quasi-municipal corporation, exercising certain governmental functions as an agency of the State.' [Creech v. S.C. Pub. Serv. Auth., 200 S.C. 127, 20 S.E.2d 645 \(1942\)](#). In other words, it is a public corporation created by the legislature to perform a governmental function.

On the basis of the foregoing, it is the opinion of this office that the South Carolina Research Authority is a public corporation and an arm of the State, and an 'employer' within the meaning of [Code Section 9-1-10\(5\)](#).

Sincerely yours,

Kenneth P. Woodington

Senior Assistant Attorney General

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