

1982 WL 189374 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 20, 1982

\*1 Francis K. Sullivan  
Executive Secretary  
Charleston County Legislative Delegation  
Post Office Box 487  
Charleston, South Carolina 29402

Dear Mr. Sullivan:

You have requested an opinion as to whether the mandatory retirement age of 70 for state employees and officers would apply to a person serving on a Public Service District Commission who receives no compensation other than per diem for attendance at meetings. The section of the South Carolina Code of Laws which governs mandatory retirement is § 9-1-1530. That section contains a proviso to the effect that 'this section shall not apply to appointive offices receiving per diem or travel allowances as total compensation . . .'. This proviso makes it clear that mandatory retirement would not apply to the person in question.

Sincerely yours,

Kenneth P. Woodington  
Senior Assistant Attorney General

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