

1980 WL 120803 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 31, 1980

\*1 Purvis W. Collins  
Director  
S.C. Retirement System  
Sol Blatt Building  
Second Floor  
Columbia, South Carolina 29201

Dear Mr. Collins:

You have requested an opinion as to whether the Dacusville-Cedar Rock Water Company of Pickens County is an 'employer' under § 9-1-10(5) for purposes of participating in the State Retirement System. According to the articles of incorporation which you enclosed, the company is a private not for profit corporation organized under Act No. 1030 of 1964, which is the general statute providing for the organization of such corporations. It therefore appears that the company is not an agency or instrumentality of the State or any of its political subdivisions as defined in § 9-1-10(5).

It does appear that the company would be eligible if created under Chapter 13 of Title 6 of the 1976 Code of Laws, but that statute provides for rural community districts which are created by the respective county councils after an election and with appointment of the governing body by the Governor. However, as presently constituted, the company does not have these elements of a body politic and corporate.

Sincerely yours,

Kenneth P. Woodington  
Assistant Attorney General

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