

1978 WL 34717 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 22, 1978

*1 Mr. Douglas K. Schueler
State Workmen's Compensation Fund
1026 Sumter Street
Columbia, SC 29202

Dear Mr. Schueler:

Recently you have requested an Opinion concerning the coverage under the State Workmen's Compensation Fund, for members of Boards and Commissions of Counties and Municipalities.

You advise that the policy of the State Fund is to assess premiums against Counties and Municipalities for all Boards and Commissions, unless exempted by statute, without regard for the infrequency of meetings or the fact that members are not financially compensated.

Your position is warranted, and indeed mandated, under Code Section 42-70-50 and 42-70-60 of the 1976 Code of Laws. These Sections allow a County or Municipality to elect to come under the Article dealing with the State Workmen's Compensation Fund, in lieu of purchasing private coverage. If the County or agency elects to be so covered, the provisions of the Article dealing with the State Fund are to apply to all officers and employees of the County or Municipality. Nowhere in the Compensation Act is an option given to Municipalities or Counties to exclude certain individuals from coverage.

The fact that such coverage is mandated is indicated by the fact that for the Counties of Greenville, Greenwood, Horry, Marlboro and Newberry, statutory exemptions have been passed excluding these counties from the coverage of 42-70-60. Such statutory exemptions are clear evidence of the General Assembly's intentions to cover all Board members and Commission members, unless a specific Act exempts certain Board members or a Commission member.

Therefore, the policy of the State Workmen's Compensation Fund to include all County and Municipal Board and Commission members, unless exempted by law, is mandated under the State Workmen's Compensation Act. Any exclusions from such coverage can come only through an amendment to the Act. I hope this information will be helpful to you.

Sincerely,

George C. Beighley
Assistant Attorney General

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