

1978 WL 34889 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 2, 1978

*1 Mr. Purvis W. Collins
Director
South Carolina Retirement System
Post Office Box 11960
Columbia, South Carolina 29211

Dear Mr. Collins:

A question has arisen as to the precise legal status of the Patriot's Point Development Authority. A previous opinion of this Office dated March 7, 1974, had characterized the Authority as a political subdivision. However, the bulk of the Authority's funding comes from annual appropriations by the State, and the act which originally created the Authority (Act No. 116 of 1973) refers to the possible eventual transfer of the Authority's assets and functions to 'another State agency.' Act No. 116 of 1973, § 1 (emphasis added). This indicates the intent of the General Assembly that the Authority itself is a State agency.

Based on the foregoing, it is the opinion of this Office that the Patriot's Point Authority is an agency of the State rather than a subdivision thereof, and that it should hence-forth be regarded as such for retirement purposes.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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