

1973 WL 26940 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 26, 1973

***1 re: Civil Air Patrol**

The Honorable Purvis W. Collins
S. C. Retirement System
S. C. Retirement System
P. O. Box 11960
Columbia, South Carolina 29211

Dear Mr. Collins:

You have asked whether the Civil Air Patrol is an employer within the meaning of Section 61-1(5) of the Code of Laws of South Carolina (1962) by virtue of having received a contribution of state funds. More precisely, your inquiry concerns whether Civil Air Patrol employees are eligible for retirement credit through the South Carolina Retirement System.

The Civil Air Patrol was not created by the State legislature and is not a State agency or public subdivision under Section 61-37. The fact that it receives a contribution from the State pursuant to Section 77 of Act No. 354 (1973) does not entitle it to be considered a State agency; nor does the fact that such funds are granted conditionally and are subject to ultimate control of the State. Retention of certain control over the use of public funds is not sufficient to confer automatically upon the recipient the status of a State agency or political subdivision.

Accordingly, it is the opinion of this Office that the Civil Air Patrol is not a State entity and that its employees may not be granted retirement credit through the South Carolina Retirement System.

Sincerely yours,

A. Camden Lewis
Assistant Attorney General

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