

1978 WL 35020 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 7, 1978

*1 Mrs. Phyllis B. Beighley
Insurance Benefits Manager
Personnel Division
1205 Pendleton Street
Columbia, SC 29201

Dear Mrs. Beighley:

You have asked for an opinion from this Office whether or not the employee's of the Santee-Cooper Counties Promotion Commission are eligible to participate in the State health insurance plan.

The Santee-Cooper Counties Promotion Commission was established by the General Assembly in 1968. S.C. Code of Laws (1976) § 51-13-210 states:

There is hereby created the Santee-Cooper Counties Promotion Commission which shall be a body corporate and politic, hereinafter referred to as the 'Commission'. The purpose of the Commission shall be to institute and operate programs to improve, enlarge, increase and otherwise enhance recreation and development in the area around the Santee-Cooper Lakes in the counties of Berkeley, Calhoun, Clarendon, Orangeburg, and Sumter.

The 1978 General Assembly appropriated \$40,600 for the Santee-Cooper Counties Promotion Commission in the 1978-79 General Appropriation Bill, Section 120 which is designated 'Contributions.' This section is composed of various organizations which receive state monies.

The sole source of authority for the establishment of a State health insurance plan is found in the 1978-79 General Appropriation Bill, Part I, § 13, Budget and Control Board. This proviso states that:

... the provision of group health, life, accidental death and dismemberment and disability insurance for active and retired employees of the state and public school districts of South Carolina and their eligible dependents shall be in accord with such plans as may be determined by the Budget and Control Board to be equitable and of maximum benefit to those covered. (Emphasis added.)

This language indicates that the above appropriation applies only to State employees and public school employees.

In order to qualify for health insurance with the State, the individual must be a State employee or a public school employee. The South Carolina Attorney General has issued two unpublished opinions dated March 8, 1976, by Assistant Attorney General S.T. Savitz and December 15, 1977, by Assistant Attorney General Nathan Kaminski, Jr. which stated that non-state employees may not be included under the State health insurance plan. (See enclosed opinions.)

The Santee-Cooper Counties Promotion Commission is not a state agency. It provides a service for five counties, not the entire state. All funds used by the Commission to acquire lands and rights in land must be provided by the county comprising the area representing the Commission. The Commission does not have an agency number with the State Personnel Division and its employees are not classified under the State classification plan.

Based upon the foregoing information, it is the opinion of this Office that the employees of the Santee-Cooper Counties Promotion Commission are not state employees and as such are not entitled to health insurance through the South Carolina Health Insurance Program.

*2 If I can be of further assistance to you, please let me know.

Sincerely,

Frank H. DuRant
Assistant Attorney General

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