

1976 WL 30559 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 20, 1976

***1 RE: Duncan Chapel Fire District**

Purvis W. Collins
Director
South Carolina Retirement System
Bankers Trust Tower
P. O. Box 11960
Columbia, South Carolina 29211

Dear Mr. Collins:

You have inquired as to whether the Duncan Chapel Fire District of Greenville County comes within the definition of an employer as contained at Section 61-1 subsection 5, 1962 Code of Laws.

The Duncan Chapel Fire District was created by 1970 Act 2326, No. 1027. Therein it is provided that upon a favorable referendum there shall be created a fire district known as the Duncan Chapel Fire District. It is also provided that there shall be a board of fire control for the District to be composed of five members who shall serve six year terms. The Board is given a number of varying powers and duties among which is to provide and select drivers and other firemen. The Board is further given the power to borrow money and pledge the full faith in credit of the District for the repayment of any indebtedness.

As such the fire district is a political subdivision legally separate and distinct from the State and from any local governing body. Accordingly, it would fall under the definition of employer as contained at or legal entity. Additionally, such entity would be legally separate and distinct from the subdivisions and its employees would not be employees of the subdivisions which have joined in the agreement to create an Authority. This being the case, it would be my opinion that the Pee Dee Regional Transportation Authority falls within the definition contained at Section 61-221 subsection 6 and therefore would be entitled to social security coverage through the Retirement System.

With kindest regards, I am
Very truly yours,

Cameron B. Littlejohn, Jr.
Staff Attorney

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