

1976 WL 30851 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 26, 1976

***1 Re: Columbia, Museum of Art Commission**

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

Dear Mr. Collins:

You have requested an opinion as to the legal status of the abovementioned Commission and whether it is an 'employer' within the meaning of § 61-1.5), 1962 Code of Laws.

The Commission was created by Act No. 332 of 1949. Its members are appointed by the Mayor of Columbia. Act No. 332 further provides:

The members of the commission shall not be appointed and the commission shall not function unless and until the City Council of the City of Columbia shall by resolution direct the Mayor of the City to make the said appointments.

The above language left the final decision as to the existence of the Commission in the hands of the City Council of the City of Columbia. As a result, it is the opinion of this office that the Commission is a subdivision of the city rather than of the State and thus is ineligible, under § 61-1(5), to participate in the South Carolina Retirement System.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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