

1974 WL 27963 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 18, 1974

***1 Re: State Benefits for Employees of Georgetown County Alcohol and Drug Abuse Commission**

Mr. Carl W. Smith
Director
Georgetown County Alcohol and Drug Abuse Commission
1301 Church Street
Georgetown, South Carolina 29440

Dear Mr. Smith:

You have asked this office to advise you as to whether or not state employee benefits are available for staff members of the Georgetown County Alcohol and Drug Abuse Commission. There can be no doubt as to the fact that the Georgetown County Alcohol and Drug Abuse Commission is a county organization. This is substantiated by the Alcoholic Beverage Control Act, Section 4-29.13 (as amended), S. C. Code of Laws, which provides that one quarter of the tax revenues from the sale of mini-bottle liquors 'shall be returned to the counties . . . for educational purposes relating to the use of alcoholic liquors and for the rehabilitation of alcoholics and drug addicts.' [Emphasis Added] As such the employees of this organization are county not state employees.

The Commission here under scrutiny does in fact receive state funds, however, a majority of county organizations receive state funds through the County Treasurer. These funds may or may not be specifically earmarked for a particular county organization. This fact does not qualify county employees for state benefits. In order that county employees receive state benefits, there must be specific legislation authorizing a particular state benefit for the particular county employee(s) involved. Such is the case with County Treasurers, Coroners and Health Officials. There is no specific legislation as relates to Georgetown County Alcohol and Drug Abuse Commission employees, therefore, they do not qualify for state benefits.

In closing I would like to inform you that all state and local employees qualify to receive the benefits of the S. C. Retirement System.

If I can be of further assistance as regards this matter, I am
Sincerely,

Dudley Saleeby, Jr.
Assistant Attorney General

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