

The State of South Carolina



Office of the Attorney General

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ATTORNEY GENERAL

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November 9, 1987

Mr. Purvis W. Collins
Director, South Carolina Retirement System
Post Office Box 11960
Columbia, South Carolina 29211

Dear Mr. Collins:

You have requested an opinion as to whether the early retirement plan as added by § 59-103-150 (Act No. 100 of 1987) extends to faculty of technical colleges such as Aiken Technical College.

Section 59-103-5 defines "public institution of higher learning" as "any state-supported post-secondary educational institution and shall include technical and comprehensive educational institutions." The new section, § 59-103-150, is part of the same chapter as § 59-103-5. Section 59-103-150 provides for an early retirement plan for "public institution[s] of higher education." The definition of § 59-103-5 by its terms applies to everything within Chapter 103 of Title 59. The slight difference in phraseology in § 59-103-150 does not indicate that any different application was intended for that section. Accordingly, it is the opinion of this Office that § 59-103-150 applies to any institution which is covered by § 59-103-5.

This Office does not have sufficient information to determine whether Aiken Technical College falls within the definition of § 59-103-5, but if there is any question concerning the specific application of that section to Aiken Technical College, please let me know.

Sincerely yours,

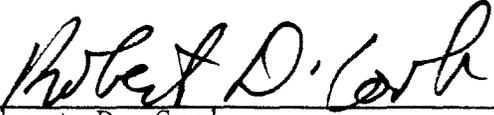
A handwritten signature in cursive script, appearing to read "Kenneth P. Woodington".

Kenneth P. Woodington
Senior Assistant Attorney General

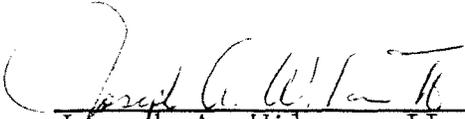
KPW:jca

Mr. Collins
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REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant, Opinions



Joseph A. Wilson, II
Chief Deputy Attorney General