

1979 WL 42937 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 17, 1979

*1 Mr. J. D. Todd, Jr., Esquire
Leatherwood, Walker, Todd & Mann
Attorneys at Law
P. O. Box 2248,
Greenville, South Carolina 29602

Dear Mr. Todd:

This is in response to your request for an opinion from this office whether the Superintendent of Education of Greenville County must report the School District's contributions of \$6,292.68 to his tax sheltered annuity on the Statement of Economic Interest form required by the State Ethics Act, § 8-13-10 et seq.

The General Assembly has authorized several of the State's school districts to enter into agreements to pay, at the request of their employees, a part of the income of such employees, for the purchase of annuity contracts. The authority was granted to the Greenville County School District in Act 906 of 1968, (R-920, H-233), a copy of which is attached. This Act specifically authorizes the School District of Greenville County to make payroll deductions for tax sheltered annuities. In the absence of such a statute, it is doubtful whether such a deduction would be lawful.

The Ethics Act requires all compensation or salary to be reported on line 13 of the Statement of Economic Interest. The fact that an employee authorizes a deduction for an annuity does not change the character of the compensation. The only exclusion from income are benefits not directly received by the employee or official such as the District's contributions to state health insurance plans, the State Retirement System and Social Security. The full amount of \$6,292.68 should be included on line 13.

Please do not hesitate to contact me if I can be of further assistance to you in this matter.

With warm personal regards, I remain,
Very truly yours,

Frank H. DuRant
Assistant Attorney General

STATUTES AT LARGE

GENERAL AND PERMANENT LAWS 1968

??

No. 906

An Act To Authorize The School District Of Greenville County And Greenville County To Purchase Insurance Annuity Contracts For Their Employees, And To Ratify Certain Acts Of The District.

Be it enacted by the General Assembly of the State of South Carolina.

SECTION 1. Purchase of insurance annuity contract authorized.—The School District of Greenville County and Greenville County may enter into agreements to pay, at the request of their employees, a part of the incomes of such employees not to exceed the exclusion allowance provided in [Section 403\(b\)\(2\) of the Internal Revenue Code](#) of the United States for the purchase of annuity contracts from insurers licensed to do business in South Carolina.

SECTION 2. Certain contracts ratified.—Any annuity contracts heretofore entered into by the school district in compliance with the terms of this act are hereby ratified.

SECTION 3. Not applicable to certain sections.—The provisions of this act shall not collect Sections 61-1(16), 61-62, 61-80, as amended, or Sections 61-226(1) and 61-235, Code of Laws of South Carolina, 1962.

*2 SECTION 4. Time effective.—This act shall take effect upon approval by the Governor.

Approved the 9th day of February, 1968.

??

No. 907

An Act To Amend Section 15,1281.2, Code Of Laws Of South Carolina, 1962, Relating To The Judge Of The Juvenile And Domestic Relations Court of Greenville County, So As To Further Provide For His Salary And To Repeal Act No. 1001 Of 1966 Which Authorized An Additional Judge For The Court.

Be it enacted by the General Assembly of the State of South Carolina.

SECTION 1. Salary of judge.—Item (3) of Section 15,1281.2 of the 1962 Code is amended by striking it out and inserting in lieu thereof the following:

1979 WL 42937 (S.C.A.G.)