## The State of South Carolina



## Office of the Attorney General

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April 22, 1985

Purvis W. Collins, Director South Carolina Retirement System Sol Blatt Building, Second Floor Columbia, South Carolina 29201

Dear Mr. Collins:

You have requested an opinion as to whether § 27-17-90, which pertains to unclaimed property in the hands of public officers, applies to funds held by the Retirement System and which have not been claimed by the owners for whatever reason. Section 27-17-90 provides that unclaimed personal property held by state officials should be reported to the Tax Commission for eventual disposition under the Uniform Disposition of Unclaimed Property Act, §§ 27-17-10, et seq.

The application of the above provisions to the Retirement System is precluded by Art. X, § 16 of the South Carolina Constitution. That section provides that "[a]ssets and funds established, created and accruing for the purpose of paying obligations to members of the several retirement systems ... shall not be diverted or used for any other purpose." The clear import of this section prevents the funds of the System from being transferred to the Tax Commission even though such funds might be considered unclaimed property.

Sincerely yours,

Kenneth P. Woodington

Fermen & Worlgh

Senior Assistant Attorney General

KPW:rmr

REVIEWED AND APPROVED BY:

Robert D. Cook

Executive Assistant for Opinions