

1979 WL 42960 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 25, 1979

*1 Mrs. Cornelia Shillito
Deputy Comptroller General
Wade Hampton Office Building, Third Floor
Columbia, South Carolina 29201

Dear Mrs. Shillito:

You have requested an opinion as to whether interest on contributions to the Solicitors Retirement System should be paid when a solicitor who leaves the Solicitors' Retirement System prior to retirement requests a refund of his contributions. Section 8 of Act No. 119 of 1977 addressed this question; it provides in part as follows:

Should a solicitor cease to be a solicitor except by death or retirement, he shall be paid within 90 days after demand the sum of his contributions to the State Retirement System and to the retirement system for solicitors as established by this article, plus interest as provided by the South Carolina Retirement System.

The plain language of this provision calls for interest to be provided by the South Carolina Retirement System. Since the Solicitors' Retirement System is a separate entity from the South Carolina Retirement System and since the statute does not indicate any intent that the Solicitor's Retirement System should pay interest in the same manner as the South Carolina Retirement System, it is the opinion of this Office that the statute does not authorize the payment of interest on contributions refunded by the Solicitors' Retirement System.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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