

1978 WL 35087 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 30, 1978

*1 William F. Drew, Jr., Esquire
Kennedy, Covington, Lobdell & Hickman
3300 NCNB Plaza
Charlotte, North Carolina 28280

Dear Mr. Drew:

As counsel for the York General Hospital you have requested an opinion concerning the effect of [§§ 8-23-10 et. seq., 1976 Code of South Carolina](#) as amended, on York General Hospital and its existing deferred compensation plan. The aforementioned statute was enacted in 1977 and established a deferred compensation plan for state and local employees. You have asked three questions, which in essence amount to asking whether the statutory scheme preempts any other arrangement.

It appears that the broad powers of administration which are vested in the hospital trustees by § 8 of Act No. 919 of 1938, as amended, include the power to establish a deferred compensation plan. There is nothing in the 1977 legislation which suggests that the plan thereby established was to be the first instance of such plans being authorized, nor is there any indication that that plan, once established, was intended to be the exclusive method by which state and local employees might elect to defer compensation. The entire tenor of the act is permissive and 'enabling' in character. Accordingly, it is the opinion of this office that the York General Hospital deferred compensation plan remains unaffected by [§§ 8-23-10, et seq.](#)

Please let me know if I can be of any further assistance.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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