

1974 WL 28013 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 3, 1974

*1 Honorable P. C. Smith
State Auditor
Post Office Box 11333
Columbia, South Carolina 29211

Dear Mr. Smith:

A question has been raised with respect to whether deductions for payment of premiums for insurance to be made from compensation of State employees is required of agencies which maintain their own compensation payment procedures, such as is found in the Department of Corrections. That agency receives from the Comptroller General periodic lump sum payments and disburses checks to meet the various payrolls within that department. This is in accordance with Section 85 of the 1974-75 General Appropriations Act. The question involved is whether at least 1,000 participants in the insurance plan involved must be from within the Department of Corrections, in such instance, before deductions are made mandatory.

It is my opinion that it is only required that 1,000 or more State employees participate in a particular insurance plan before the provision for deductions from compensation for plans becomes mandatory. It is immaterial whether the employees come from one agency or several agencies. If less than 1,000 State employees participate, the deductions are discretionary with the Comptroller General, in accordance with the provisions of Section 1-49, Code of Laws of South Carolina, 1962.

This letter is forwarded to you in view of the overall supervision of the departmental disbursement plan authorized by Section 1-49 and copies thereof are being forwarded to the State Treasurer and to the State Comptroller General, the latter of whom has primary jurisdiction in such deductions.

Very truly yours,

Daniel R. McLeod
Attorney General

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