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The State of South Carolina



Office of the Attorney General

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May 22, 1989

The Honorable Irene K. Rudnick
Member, House of Representatives
310-D Blatt Building
Columbia, SC 29211

Dear Representative Rudnick:

You have requested the opinion of this Office as to whether the Aiken County Board of Education can increase the compensation of its members as of the 1st of July, 1989, for fiscal year 1989-90 or whether the Board must delay the increase until elections are held for the seats of each of the members in the general elections. Because of the reference in your letter to the amount of compensation on a per-meeting basis, I am assuming that you are referring to "per diem" which has been defined as pay for a day's services. Ops. Atty. Gen., October 5, 1979; see section 59-1-350 of the Code of Laws of South Carolina, 1976.

A previous Opinion of this Office noted that increases in pay for certain public offices are restricted but concluded that no constitutional provision prohibits increases in compensation, as to all offices generally, during the terms of the officeholders. Ops. Atty. Gen., January 29, 1973. I have not located any general constitutional or statutory provision that prohibits such increases as to members of boards of trustees or county boards of education during their terms. In particular, section 59-1-350 of the Code provides that members of county boards of education or boards of trustees may receive a per diem for attendance at board meetings and contains no restrictions upon the effective date of increases in per diem. See Ops. Atty. Gen., October 5, 1979. Therefore, neither the General Assembly nor the Constitution appear to have provided for any restriction upon the effective date of the increase in per diem for members of the Aiken County Board of Education that would apply to the increase in question. Of

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course, the question of whether compensation should be increased on July 1, 1989, is a policy matter to be determined in the sound discretion of the Aiken County Board of Education.

If you have any questions or need additional information, please let me know.

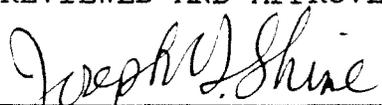
Yours very truly,


J. Emory Smith, Jr.
Assistant Attorney General

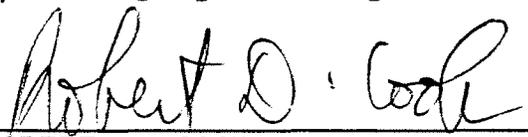
JESjr/jps

cc: The Honorable Irene K. Rudnick
Member, House of Representatives
District No. 81 - Aiken County
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Aiken, SC 29802

REVIEWED AND APPROVED BY



JOSEPH D. SHINE
Chief Deputy Attorney General



ROBERT D. COOK
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