

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE 803-734-3970

September 22, 1986

The Honorable Lois T. Shealy
Clerk of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mrs. Shealy:

By your letter of September 17, 1986, you have asked for our opinion as to the effective date for the new rate of subsistence to be paid to members of the General Assembly.

Within Part I, Section 3 of the 1986-87 appropriations act is the following proviso:

Members of the General Assembly shall receive subsistence expense equal to the maximum allowable by regulation of the Internal Revenue Code, for the Columbia area for each legislative day that the respective body is in session and in any other instance in which a member is allowed subsistence expense. ...

The amount of subsistence allowance to be paid to members of the General Assembly is thus tied to the maximum allowed for the Columbia area under 26 U.S.C. §162.

We have been advised by the Internal Revenue Service in Columbia that the maximum per diem allowable in the Columbia area was increased to seventy-three (\$73.00) dollars, effective July 1, 1986, per the attached list. Therefore, we would advise that the effective date of the seventy-three (\$73.00) dollar subsistence allowance would be July 1, 1986.

The Honorable Lois T. Shealy
September 22, 1986
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With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP/rhm

Enclosure

REVIEWED AND APPROVED BY:

Robert D. Cook

Robert D. Cook
Executive Assistant for Opinions

cc: Earle E. Morris, Jr.
Comptroller General