

1981 WL 158152 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 18, 1981

\*1 Cary S. Griffin, Esquire  
Harvey, Battey and Bethea, P.A.  
C & S Bank Plaza  
Pope Avenue  
Post Office Box 5666  
Hilton Head Island, South Carolina 29928

Dear Mr. Griffin:

You have inquired as to the interpretation of Act R640 which became effective June 16, 1980. We agree with you that the act is not artfully drawn, but believe that the intention can be derived from its language, particularly considering other similar acts and provisions in the Appropriations Act each year on the same subject.

In our opinion the proper interpretation is that the members of governing bodies of public service or special purpose districts may receive mileage for performance of official business at a rate not to exceed the amount currently authorized for State boards and commissions, which is currently 20¢ per mile. They may also receive insurance benefits which do not exceed those currently provided for State employees. Then, finally they may receive per diem not to exceed \$35 per day. The word 'compensation' at the beginning of the second sentence in Section 1 confuses the issue, because 'compensation' and 'per diem' mean the same thing.

As to your second question, the per diem is payable for each day or part of a day in which the member of the governing body is performing official duties, whether that be for a meeting of the body or for the performance of any other official duty.

If you have further questions, do not hesitate to call us.

Sincerely,

Frank K. Sloan  
Deputy Attorney General

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